Ombudsman Manitoba

Twenty-First Annual Report of the

OMBUDSMAN

For the period
January 1st, 1990 -
December 31st, 1990

Presented to the Legislature pursuant to Section 42 of The Ombudsman Act

92-03748/

Ombudsman Manitoba

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The Honourable Denis Rocan
Speaker of the Legislative Assembly
Province of Manitoba

Dear Mr. Speaker:

In accordance with Section 42 of The Ombudsman Act, I am pleased to submit the twenty-first Annual Report of the Ombudsman, covering the calendar year January 1, 1990 to December 31, 1990.

As an Officer of the Legislature I would be prepared, and pleased, to appear before the Assembly should the members wish clarification of, or amplification upon, any of the information contained in this report.

Yours very truly,

Gordon S. Earle

GORDON S. EARLE
OMBUDSMAN

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Twenty Years of Ombudsman Service

Manitoba has been recognized world-wide as one of the leading proponents of the Ombudsman concept. Invitations have been received requesting the Manitoba Ombudsman's presence and participation at various national and international functions. Delegations from various countries throughout the world have from time to time visited the Manitoba Ombudsman's office to exchange ideas and discuss developments in the Ombudsman field. Various countries, contemplating the development of their own Ombudsman systems have often consulted with the Manitoba Ombudsman's office for information and advice. With twenty years of experience to its credit the Manitoba Ombudsman's office does find itself in the position of being able to offer some meaningful insight to those newly embarking into the field of ombudsmanship.

The year 1990 marked the twentieth anniversary of the Manitoba Ombudsman's office and while the year passed without any public celebration, pomp or display, the office did experience internally a quiet sense of satisfaction at having been able to faithfully serve the public of Manitoba for two decades. From a humble, yet vigorous, sincere and dedicated beginning in 1970 under Manitoba's first Ombudsman, George W. Maltby, the office slowly evolved to meet the ever increasing demands and challenges of the day. While over the past twenty years there have been changes in personnel and changes in workload, the one thing that has remained constant is the loyalty, devotion and hard work of those employed in the Ombudsman's office as they carry out, under The Ombudsman Act, the mandate of assisting the public with complaints involving provincial government departments or agencies. Those serving the office during 1990, and to whom I express my sincere appreciation are:

Barry E. Tuckett	Deputy Ombudsman
Donna M. Drever	Investigator (Child & Adolescent Services)
Susan Archibald	Investigator
Robert W. Gates	Investigator
E. Joy Goertzen	Investigator
Gail P. Perry	Investigator
Kris Ramchandar	Investigator
Cheryl Ritlbauer	Investigator
Aurele Teffaine	Investigator
Johanne B. Cayer	Intake Officer
Laura Foster	Office Supervisor
Brenda Best	Secretary/Receptionist
Helen Hicks	Secretary
Felicia C. Palmer	Secretary
Christine W. Knight	Secretary (Temporary)

The Year In Review

The year 1990 saw a decrease in complaints received at the Ombudsman's office, both formal written complaints and telephone inquiries. The total number of formal complaints was 753 about 9% (76 cases) less than the 829 received in 1989. The total number of informal concerns (telephone inquiries) was 2,609 about 13% (395 calls) less than the 3,004 received last year. The overall workload of 3,362 concerns for 1990 was down from the 1989 total of 3,833 by 471 or 12%.

During the year we closed out 74% of the cases received in 1990. As well, we were able to finalize 73% of the workload carried forward from previous years. While I certainly would have preferred to have concluded all cases from previous years, that was not possible due to the nature of the cases involved and hence 27% of cases from previous years (i.e. 76 cases) was carried forward along with 26% (196 cases) of the 1990 caseload, to give a total of 272 cases carried over into 1991. This was slightly less than the 282 cases that had been carried over into 1990.

An Erosion of the Safeguards of Democracy

At the time when the Ombudsman concept is flourishing and spreading to all corners of the world, it was indeed disappointing to note that effective December 31, 1990, the office of the Parliamentary Commissioner (Ombudsman) for the Province of Newfoundland ceased to exist. The Ombudsman's office of Newfoundland had been established in June 1975, at that time, making Newfoundland the seventh province in Canada to provide citizens with Ombudsman services to address complaints involving matters of provincial government administration. Following creation of the Newfoundland Ombudsman's office, two other provinces established Ombudsman offices, namely, Ontario in October 1975 and British Columbia in October 1979. Thus by 1979 Canada was by far one of the leading proponents of the Ombudsman concept, having at that point, Ombudsmen in nine of the ten provinces, Prince Edward Island being the only province without an Ombudsman. As well, Canada is proud to be the home of the International Ombudsman Institute which was established in Edmonton, Alberta, at the first International Ombudsman Conference in 1976. With such an honourable history of Ombudsmanship, it was, in my view, certainly a sad day for all Canadians when the Province of Newfoundland took what I consider to be a backward step and passed legislation repealing its Parliamentary Commissioner (Ombudsman) Act, thereby depriving its residents of the ability to have grievances against government reviewed by an independent parliamentary commissioner.

The reasons given for the abolition of the Newfoundland Ombudsman's office centered around budgetary considerations with the view being put forward that the number and substance of complaints investigated by the Ombudsman and his staff did not warrant the annual cost of operating the office. I do not intend to comment, beyond what I have already said, upon the events that have taken place outside Manitoba. Be it suffice to say that thinking in terms of the Province of Manitoba, the modest amount spent annually by the Ombudsman's office (about three times the amount quoted for Newfoundland) is but a small price to pay to enhance democracy by providing an independent Officer of the Legislature to investigate grievances involving provincial government departments and agencies. Money spent to address and prevent grievances is, in my view, money well spent and is money saved in the long run.

I sincerely hope that the lesson that may be gleaned by all, from the Newfoundland experience, is that regardless of what problems one might perceive as being experienced with offices set up to protect and serve the public, the answer may not necessarily be in abolishing those offices, but rather in understanding, supporting, strengthening and, if necessary, improving those offices so they may better serve the public. I believe that the Ombudsman concept has withstood the test of time and rigor and has proven itself to be both a viable means of redress for citizen complaints and an integral part of our democratic society, helping to ensure administrative fairness and justice. Accordingly, I feel that it is incumbent upon the politicians and the public at large to support and maintain Ombudsman offices rather than allow, or be a party to, the erosion of such an important safeguard to democracy.

Psychiatric Facilities – Some General Issues

Those familiar with my office will be aware that the Ombudsman has jurisdiction concerning complaints about administrative matters at psychiatric wards of general hospitals and at mental health institutions. Each year we receive telephone calls and letters from mental health patients. Most often the patients inquire into their legal rights at these institutions. Sometimes they have administrative complaints, which are reviewed by my Investigators on a case by case basis. Our experience in dealing with cases in this way has generally been very positive.

However, over time, and in dealing with the various separate mental health facilities across Manitoba, certain common administrative issues have emerged which are of concern to my office. Late this year, I raised these with the Chief Provincial Psychiatrist. As an indication of the type of concerns our office considers, as well as an indication of part of this year's work, the following are some of the issues raised.

Patient Property

From time to time, our office receives complaints from patients about missing property. While our office had been treating these cases separately, as they arose, certain patterns became apparent.

We found that several facilities have taken the position that patients should be responsible for their property. In these cases, only "valuables", dangerous items and drugs are kept by the facilities and, without exception, we understand these items are held under lock and key. It was our experience that most, but not all, facilities log the items held by staff. We were aware of only one facility that logs items that are kept by the patient.

Respecting allegations of missing property, our office had often been unable to conclusively determine what occurred. Usually this issue was difficult to assess because we were dealing with allegations of patients relying on their memory of what occurred at the time of admission.

My initial feeling is that, at the very least, a facility should itemize the property in its control. I also question the appropriateness of holding patients responsible for property not under their physical control and holding them responsible for something they may not be mentally capable of doing. Ideally, a province-wide policy concerning patient property in mental health facilities could be implemented.

Further to our work in 1990 and since making my views known to the Chief Provincial Psychiatrist on the issue of patient property, our office was advised that the Heads of the psychiatric units across Manitoba will be considering the implementation of a province-wide policy on the subject. I intend to monitor developments concerning this issue because of its importance.

Documentation Concerning a Patient's Ability to Manage Affairs

Under The Mental Health Act, "as soon as reasonably possible after admission", a physician shall examine the patient and complete a mandatory certificate under the Act indicating reasons as to whether, in the opinion of the physician, the patient is or is not capable of managing his or her affairs. If the physician certifies that the patient is not capable and the medical officer in charge of the facility agrees, the certificate is sent to the Public Trustee who, upon receipt, becomes the committee of the person and the person's estate.

It came to the attention of my Investigators, who routinely review the mental health forms of mental health complainants, that various institutions were either not completing, or were not completing expeditiously, the "Certificate of Capacity or Incapacity of Patient to Manage Affairs" (Form 8), under The Mental Health Act.

In requiring that the form be filled out "as soon as reasonably possible after admission", the Act provides the physician with some flexibility. There is likely good reason for this. However, our experience indicated that often this form was being completed weeks and sometimes months after admission, or not at all.

Although there is no statutory time-frame under The Mental Health Act for completion of the form, I am inclined to think that, administratively, a maximum time-frame for the completion of the form could be considered for application in all Manitoba mental health facilities. Such a provision could allow the physician sufficient time to assess the patient's capacity while also meeting the terms of The Mental Health Act.

As an update to our work in 1990, I was encouraged to learn from my further discussions with the Chief

Provincial Psychiatrist that one institution already has instituted an administrative time-frame for completing the form and another has urged that a province-wide policy on the issue be considered by the Heads of psychiatric units in Manitoba. I look forward to learning about the outcome of those discussions.

Documentation Relating to Forensic Patients

Our office has been concerned for some time that documentation concerning forensic patients was not being kept with the patients during their hospitalization. The practical result was that when these patients inquired with our office about their status and other clarification about their hospitalization, there was no available documentation in either the patient's medical or forensic files.

In the case of patients on remand warrants under the Criminal Code, we were advised that the documentation was sent to the hospital from the Courts. However, over a series of several inquiries, we did not find this documentation on file. In the case of patients who, by virtue of The Mental Health Act, were transferred from a correctional facility to a psychiatric facility for examination, care and treatment, it seemed that no documentation, other than doctors' notes, was prepared evidencing their status.

An Investigator with our office had discussed this issue with personnel from the Department of Health and the Ministry of Justice; however, the issue was still not resolved.

I have indicated to the Chief Provincial Psychiatrist that it would seem a procedure should be put into place so that documentation related to the patient's hospitalization accompanies the patient and is kept with him or her.

At the time of writing this report, I am able to advise that, on the issue of remand warrant patients, our office has been informed that any documentation relating to a patient's legal status is being kept on the institution's record and the forensic psychiatric files. Respecting patients transferred from a correctional to a psychiatric facility, it was confirmed that there is no prepared form concerning transfers, but that the comments on the medical record or the physician's order sheet, prepared by the physician at the correctional facility, is forwarded to the psychiatric facility where the patient is transferred. Further, it was noted that this information is always kept with patient's medical documents at the psychiatric facility. In that my concern on the issue of documentation relative to forensic patients appears to have been met, there is no need for my pursuing this issue any further at this time.

Municipal Jurisdiction

In my 1989 Annual Report I reported that amendments to The City of Winnipeg Act had been passed by the Legislative Assembly of Manitoba in November 1989, to enable the City of Winnipeg to establish the position of Ombudsman, who may be a person appointed by City Council or retained by the City to perform the duties of the Ombudsman. At that time, according to the amendments passed, the City of Winnipeg had to have in place a system for the provision of Ombudsman services by November 3, 1990.

On May 30, 1990, Cabinet approved a recommendation to amend The Provincial Ombudsman Act to provide City Council with the option of procuring, for a fee to be negotiated, the services of the Provincial Ombudsman. The Provincial Ombudsman Act was amended by Bill 25 which read originally as follows:

"Bill 25

The Ombudsman Amendment Act

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

C.C.S.M.c. 045 amended
1 The Ombudsman Act is amended by this Act.

Section 15.1 added
2 The Act is amended by adding the following after section 15:

Agreement with City of Winnipeg
15.1 Notwithstanding subsection 3(2) of this Act and subsection 66(5) of The City of Winnipeg Act, the Ombudsman may enter into an agreement with the City of Winnipeg to provide the services of an ombudsman under the provisions of The City of Winnipeg Act, and may charge the city a fee for providing the service.

Coming into force
3 This Act comes into force on the day it receives royal assent."

Bill 25 went to the Law Amendments Committee of the Legislature on December 13, 1990, at which time, the Mayor of the City of Winnipeg appeared before the Committee and pointed out that the November 1990 deadline date for the establishment of ombudsman services under The City of Winnipeg Act had come and gone. The Mayor asked for a six month extension of the time allowed under The City of Winnipeg Act for the establishment of ombudsman services. The Mayor indicated that such an extension would allow the City to either conclude negotiations (which had already commenced) with the Provincial Ombudsman's office or to advertise and make an appointment of "a civic ombudsman standing alone at the City of Winnipeg". The Mayor's request for an extension of time was granted and this was allowed by way of amendment to Bill 25, rather than an amendment to The City of Winnipeg Act, which in my opinion would have been the more appropriate way to handle the request. Nonetheless, there were various amendments made to Bill 25 (The Ombudsman Amendment Act) so that when assented to on December 14, 1990, as chapter 10 of the Manitoba statutes 1990 - 91, it ultimately read as follows:

"CHAPTER 10

Bill 25

THE OMBUDSMAN AMENDMENT ACT

(Assented to December 14, 1990)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

C.C.S.M.c. 045 amended
1 The Ombudsman Act is amended by this Act.

Section 15.1 added
2 The Act is amended by adding the following after section 15:

Agreement with City of Winnipeg
15.1 Notwithstanding subsection 3(2) of this Act and subsection 66(5) of The City of Winnipeg Act, the Ombudsman may enter into an agreement with the City of Winnipeg to provide the services of an ombudsman under the provisions of The City of Winnipeg Act, and may charge the city a fee for providing the service.

Five year sunset clause
15.2(1) Subject to subsection (3), section 15.1 expires and is no longer in force and effect on the fifth anniversary date of the coming into force of the section.

Review by Assembly
15.2(2) Upon expiry of section 15.1, the Standing Committee of the Assembly on Privileges and Elections, or such other committee of the Assembly or other committee or person as the Assembly may specify by resolution, shall review the services provided by the Ombudsman to the City of Winnipeg under section 15.1 and shall, no later than 6 months after expiry of section 15.1, table a report, with or without recommendations, in the Assembly.

Services continue during review
15.2(3) Notwithstanding subsection (1), an agreement between the Ombudsman and the City of Winnipeg under section 15.1, entered into before expiry of the section, shall at the election of either party, remain in force and effect until such time as the Legislature otherwise provides.

Delay of ombudsman's service
3 Notwithstanding sections 65 to 73 of The City of Winnipeg Act, the City of Winnipeg may delay providing the services of an ombudsman under that Act until an agreement under section 15.1 of The Ombudsman Act is concluded or July 1, 1991, whichever first occurs; and no action or proceeding may in the meantime be taken against the City of Winnipeg in respect of sections 65 to 73.

Coming into force
4(1) This Act, except section 3, comes into force on the day it receives royal assent.

Section 3 retroactive
4(2) Section 3 is retroactive and is deemed to have come into force on November 3, 1990."

With the changes made to the City of Winnipeg Act and The Ombudsman Act, by the end of 1990, the way was paved for the City of Winnipeg to have ombudsman services by either appointing its own civic Ombudsman or by entering into an agreement with the Provincial Ombudsman's office. The deadline date for the provisions of ombudsman services was now July 1, 1991.

Normally, an Annual Report for the calendar year 1990 would only report happenings up to the end of December 1990. However, since this report was not written until well after the end of 1990, I have herein reported on some happenings in 1991, in order to bring the reader up to date on where matters stand with respect to the provision of ombudsman services for the City of Winnipeg.

Discussions between the City of Winnipeg and the Ombudman's office regarding the establishment of ombudsman services for the City began in December 1989. At that time, our office met with civic officials and provided an estimate as to what it would cost if the City set up its own office and an estimate of what it would cost if the service were provided through the Provincial Ombudsman's office. According to our figures, which were based upon what we felt to be appropriate resources for an efficient and effective service, there would be a significant cost saving to the City by utilizing an already established office as opposed to starting from scratch. With this information and along with its own research, the City began to explore its options.

The Executive Policy Committee of City Council presented to Council a report, dated May 23, 1990, regarding the Office of the Ombudsman for the City of Winnipeg. The report presented four options for the establishment of ombudsman services for the City, one of these being to contract such services through arrangements with the Office of the Ombudsman for Manitoba. The report concluded with the recommendations of the Executive Policy Committee that the Mayor and Deputy Mayor be appointed as representatives of the City to meet with the appropriate provincial officials with a request that the Province of Manitoba consider the possibility of extending the jurisdiction of the Provincial Ombudsman to include the City of Winnipeg. This report was adopted by Council on May 30, 1990.

Under date of June 1, 1990, the Mayor wrote to the Minister of Urban Affairs for the Province of Manitoba putting forth the City's request that the Province of Manitoba consider the possibility of extending the jurisdiction of the Provincial Ombudsman to include the City of Winnipeg. In response, under date of June 14, 1990, the Minister of Urban Affairs advised the Mayor that on May 30, 1990, Cabinet approved a recommendation to amend The Provincial Ombudsman Act to provide City Council with the option of procuring for a fee to be negotiated, the services of the Provincial Ombudsman. *The Minister made clear that if the City chose to enter into negotiations with the*

Provincial Ombudsman, it could proceed to do so because the necessary amendment to The Ombudsman Act would be in place by November 3, 1990, the date (at that point) by which the City was to commence providing ombudsman services. (I have already indicated above what took place re the amendment to The Ombudsman Act and the extension of the deadline date for provision of ombudsman services by the City.)

The one thing that was abundantly clear from the negotiations between the City and the Province regarding the provision of ombudsman services for the City was that if the City was going to have ombudsman services, they were going to be required to pay for such services. The Province made it clear, as it had in the past, that they were not going to pay any of the costs, and this definitely was not going to be done by way of the Province simply extending the jurisdiction of the Provincial Ombudsman to include the City. The fact was that there were only two ways the City could fulfill the obligation imposed by legislation to provide ombudsman services, and that was either by appointing its own civic ombudsman or by entering into a contract, on a fee for service basis, with the Provincial Ombudsman.

The City of Winnipeg now turned its attention toward negotiating with my office for the provision of ombudsman services. At this point, I should indicate that from the very moment consideration was given to the possibility of my office providing service to the City, I , as Ombudsman, made it perfectly clear that I was not willing to accept such an enormous and important responsibility without appropriate resources and compensation to do the job properly. I feel that it would be unfair to the residents of Winnipeg and the Ombudsman concept to set up an inefficient and ineffective ombudsman services due to lack of appropriate resources to deal with the complaints that would be received. With that principle in mind, and also with the principle in mind (as underscored by the amendment to The Ombudsman Act and the Minister's of Urban Affairs letter to the City) that it was the Ombudsman who was entering into an agreement with the City, I commenced, in good faith, to enter into negotiations with civic officials.

On September 10, 1990, my Deputy and I met with the Chief Commissioner of the City, following which the Chief Commissioner presented me with a draft agreement which he proposed to forward to the Executive Policy Committee for consideration and approval. A further meeting was held on May 3, 1991, with the Chief Commissioner and a solicitor for the City, at which time, the details of how a contract with my office would work were thoroughly discussed. I should indicate that because it had been made clear to me that the Province of Manitoba did not intend to pick up any costs for the ombudsman services for Winnipeg City, the agreement was structured so that the City would bear complete financial responsibility for all aspects of the service including the additional space, compensation, and resources required. The agreement was also set up in a manner that would allow for appropriate auditing by the City of monies spent for the service. As well, the municipal ombudsman services would have been established sufficiently separate from the Provincial Ombudsman service to allow the City, if it so wished, at any time upon proper notice, to terminate its contract with the Provincial Ombudsman and, with the appointment of its own civic ombudsman carry on the service to the public.

A report prepared by the Chief Commissioner on June 4, 1991, recommended that the City enter into a contract with the Provincial Ombudsman's office to provide ombudsman services for the City, with such service also to include the appropriate appeal provisions under the proposed Freedom of Information By-law. This report was approved by the Board of Commissioners on June 6, 1991, for submission to the Executive Policy Committee. Following approval by the Executive Policy Committee, the matter was presented to a meeting of the City Council, the outcome of which I shall discuss later.

Following my meeting in May with the Chief Commissioner when we ironed out the details of how ombudsman services would be provided through my office, I felt it might be appropriate to let the provincial government know of the progress with respect to negotiations with the City of Winnipeg regarding the provision of ombudsman services. It might be interesting to note that up to this point, neither the government per se nor the Legislature had come forward and offered any suggestions as to how they perceived such negotiations should proceed. In fact, the Ombudsman was left pretty much on his own to do as the legislation allowed, i.e. enter into an agreement with the City of Winnipeg to provide the services of an ombudsman under the provision of The City of Winnipeg Act and charge the City a fee for providing the service. Because an agreement to provide ombudsman services to the City would not only

involve extra work for the Ombudsman, but would also require some managerial time by my Deputy (for which I had asked the City to compensate as part of their costs) we felt it would be appropriate to check with the Civil Service Commission, since the Deputy Ombudsman is a civil servant, to ensure that there would be no conflict if he were to receive compensation from the City for the additional responsibilities to be undertaken. It should be noted that under the proposed agreement with the City, the Ombudsman as well, would receive compensation for the extra responsibilities and work involved. However, the Ombudsman is not a civil servant and it was my view that the wording of the amendment to The Ombudsman Act allowed for the Ombudsman to be compensated for what in essence amounts to taking on a second job.

Upon checking with the Civil Service Commission, although there was no explicit concern expressed with respect to my Deputy receiving compensation from the City for duties in connection with the provision of municipal ombudsman services, it was suggested that we clear this point with the Clerk of the Executive Council since the government in essence is the employer for civil servants. With that in mind, my Deputy and I met with the Clerk of the Executive Council on May 22, 1991, and brought him up to date regarding the negotiations with the City and raised in particular the question of compensation for the additional responsibilities to be undertaken. At this point, things which otherwise appeared to be progressing favourably, fell apart. It seemed to me that the Clerk of the Executive Council completely misunderstood the intent of the manner by which the proposed agreement was arranged directly with the City, and saw the proposed agreement simply as a means for the Ombudsman to obtain extra money. There appeared to be no consideration given to the fact that the proposed agreement would ensure a well resourced municipal ombudsman service, which would cost the Province nothing. There seemed to be no appreciation of the fact that the Chief Commissioner of the City had presented no objection to compensating and resourcing the service appropriately. What seemed to come through loudly and clearly from discussion with the Clerk of the Executive Council was the desire of the provincial government to be involved with the agreement and to have some control and say over how the municipal ombudsman services would be effected, even though in my view the legislation clearly placed the discretionary responsibility with the Ombudsman as to whether an agreement with the City be entered into and whether a fee be charged for providing the service.

In any event, viewpoints and correspondence was exchanged between the Ombudsman and the Clerk of the Executive Council, all to no avail in resolving the difference of opinion as to how an agreement with the City should be structured. The Clerk of the Executive Council wanted the Ombudsman to simply determine the staff and financial resources required to provide the necessary services to the City and then go to the provincial government to request these. Reportedly, the Province then would bill back to the City of Winnipeg the full costs of all services. The major drawback that I see with going that route was that there was no guarantee by the provincial government that they would provide the staff and financial resources identified by the Ombudsman as necessary for provision of the service. This concern was confirmed when in conversation with the Clerk of the Executive Council, he indicated that it was the intent that my office assume the municipal service, limp along with a backlog for a while, see what comes in and then go for more staff if required. My experience is that such an approach would be setting the service up to fail and would certainly create more headaches than I prefer to endure. The Ombudsman's approach of working out an agreement directly with the City, as provided for in the legislation, in my view, was a much more feasible approach as the City administration agreed to provide the necessary staff and financial resources from the outset. This approach also gives the City direct control over its ombudsman services, rather than having to go, hat in hand, requesting staff and resources from the Province for the provision of the service.

After an exchange of viewpoints on this subject, I advised the Clerk of the Executive Council that I intended to proceed with my negotiations with the City of Winnipeg along the lines already undertaken with the Chief Commissioner of the City of Winnipeg who had indicated his satisfaction with the manner and substance of the negotiations and the proposed agreement. I further expressed my view that the approach being taken with respect to the proposed agreement was in keeping with the spirit and intent of the legislation. As well, I suggested that it should not appear, nor should it be that the Ombudsman is being directed by or unduly influenced by the government in discharging responsibilities clearly

placed upon the Ombudsman by the Legislative Assembly.

There were two things that happened which may perhaps render meaningless, everything I have written above regarding the provision of ombudsman services to the City of Winnipeg. These two events were:

(a) the presentation to City Council, and

(b) the further amending of The Ombudsman Act.

The Presentation to City Council

As mentioned above, after the Chief Commissioner's report was approved by the City's Executive Policy Committee, it went before City Council for consideration. I watched portions of that particular City Council meeting which was broadcasted live on the local cable channel and I was sorely disappointed at what appeared to me to be, on the part of some City Councillors, a complete lack of understanding of the Ombudsman concept and function. There were some Councillors who appeared to have some understanding of the function and how it differed from that of a Councillor, but were primarily concerned with the proposed cost of the service. However, for the most part, there seemed to be a strong feeling that an Ombudsman was not needed as such a person would simply duplicate the role played by City Councillors. By virtue of a tie vote, a motion that the Province be asked to rescind the legislation imposing an Ombudsman upon the City was defeated. However, City Council did not accept the report recommending that the City enter into a contract with the Provincial Ombudsman's office. Whereas the new deadline date for provision of Ombudsman services, i.e. July 1, 1991, was fast approaching and the City was by no means close to a decision, it was concluded that the Province should be approached for further discussion on the matter.

The Further Amending of The Ombudsman Act

It would appear that as a result of the further discussion between the City and Province and also as a result of my disagreement with the Clerk of the Executive Council over the nature of an agreement with the City, The Ombudsman Act was further amended. This further amending was done by way of Bill 65, The Statue Law Amendment Act, 1991, an omnibus bill dealing with a number of statutes. The sections of that bill relating to The Ombudsman Act are as follows:

"THE OMBUDSMAN ACT

C.C.S.M.,c. 045
21(1) The Ombudsman Act is amended by this section.

Section 15.1 rep. and sub.
21(2) Section 15.1 is repealed and the following is substituted:

Ombudsman services to City of Winnipeg
15.1(1) Notwithstanding subsection 3(2) of this Act and subsection 66(5) of The City of Winnipeg Act, where an agreement with the City of Winnipeg is entered into under subsection (2), the Ombudsman shall provide the services of an ombudsman to the City of Winnipeg in accordance with that agreement.

Minister may enter into agreement
15.1(2) The Lieutenant Governor in Council may authorize a minister to enter into an agreement with the City of Winnipeg relating to the provision of ombudsman services to the City of Winnipeg by the Ombudsman.

Payments into Consolidated Fund
15.1(3) Amounts payable by the City of Winnipeg pursuant to an agreement under subsection (2) are payable to the Province of Manitoba and shall be deposited in the Consolidated Fund.

Subsection 15.2(3) amended
21(3) Subsection 15.2(3) is amended by striking out "between the Ombudsman and the City of Winnipeg".

Time extended
21(4) Notwithstanding sections 65 to 73 of The City of Winnipeg Act, the City of Winnipeg may delay providing the services of an ombudsman under The City of Winnipeg Act until an agreement under section 15.1 of The Ombudsman Act is concluded or January 1, 1992, whichever first occurs, and no action or proceeding may in the meantime be taken against the City of Winnipeg in respect of sections 65 to 73."

It is interesting to note that when presenting Bill 65 to the Legislature for second reading, The Honourable Minister of Justice stated:

> "As all honourable members know, this is an omnibus bill that we deal with at each session of the Legislature, designed primarily to correct errors in the statutes that have been brought to our attention in the course of the past year. For the most part, these are corrections of drafting and editing errors and are nonsubstantive. However, we do include from time to time some changes that are substantive to some degree but which are noncontroversial and do not appear to require debate in principle."

Speaking further on this bill as it related to The Ombudsman Act, the Minister said:

> "Section 21, at the request of the City of Winnipeg, is extending by six months the date by which the city must have an Ombudsman in place. Further, the section clarifies from an administrative and accounting point of view the basis of the proposed arrangement between the province and the City of Winnipeg related to the services of the Ombudsman."

Bill 65 received Royal Assent on July 26, 1991 and the section relating to The Ombudsman Act (except the subsection extending the time for providing ombudsman services) was deemed to be retroactive and to have come into force on December 14, 1990. The subsection extending the time period was deemed retroactive and to have come into force on July 1, 1991.

Bill 65 with its amendments to The Ombudsman Act clearly did four things:

1) It extended the deadline date for the provision of ombudsman services for the City to January 1, 1992;

2) It clearly took away from the Ombudsman any authority or discretion to enter into an agreement with the City for the provision of ombudsman services, giving such authority to a minister of the government;

3) It made it obligatory (not discretionary) that the Provincial Ombudsman provide the services of an Ombudsman to the City of Winnipeg in accordance with any agreement entered into (under The Ombudsman Act) between a Minister and the City of Winnipeg; and

4) It clearly established that any amounts payable by the City of Winnipeg pursuant to an agreement under the Act would be paid to the Province.

Needless to say, I was deeply disturbed, upon return from my vacation, to learn of these amendments to The Ombudsman Act, which incidentally were processed without any consultation whatsoever with my office. Although on vacation, I was easily accessible through my office and I find it unconscionable that amendments to The Ombudsman Act with such major implications around the integrity and independence of the Ombudsman, and with such major implications around the operation of the Ombudsman's office, would be processed without any contact at all with my office.

While the general principles of Ombudsmanship revolve around the integrity of the Ombudsman, we now have clauses in The Ombudsman Act which in effect imply a lack of trust in the Ombudsman's capability to work out an appropriate agreement with the City for the provision of municipal ombudsman services.

Furthermore, although the overriding tenet of the classical or legislative Ombudsman concept is the independence of the Ombudsman from government and the accountability of the Ombudsman for all aspects of his/her work to parliaments or legislatures, we now have a situation in Manitoba where in one aspect or potential aspect of the work, the Ombudsman will be subject to an agreement entered into by a Minister of Government, an agreement concerning which the Ombudsman is not required to have any input. To make matters even worse the Ombudsman under the clauses of the Act which apply to this matter loses one of the most important tools of Ombudsmanship, i.e. his/her discretion. Under these amendments to The Ombudsman Act, the Ombudsman clearly does not have the option of deciding (as had previously been the case) whether he/she wishes to enter into an agreement to provide the services of an ombudsman to the City of Winnipeg. Rather, if an agreement (and who knows what type of agreement that will be or what it will stipulate) is entered into between a Minister authorized by the Lieutenant Governor in Council and the City of Winnipeg, the Ombudsman *shall* (not may) provide the

services of an ombudsman to the City of Winnipeg in accordance with that agreement.

The Honourable Minister of Justice, when presenting Bill 65 as including "some changes that are substantive to some degree but which are non-controversial and do not appear to require debate in principle", certainly could not have been aware of the concerns I had with respect to those changes relevant to The Ombudsman Act, since no one had contacted me with respect to these changes. I feel confident that had the Minister's briefing notes for this bill made any reference to potential problems around the Ombudsman concept, the Honourable Minister would not have introduced the amendment as being noncontroversial and not appearing to require debate in principle. I am compelled to feel equally confident that had the Legislative Assembly had any idea of my feelings regarding these amendments, they (the amendments) would have been viewed, if not as controversial, at the very least as requiring debate in principle.

In any event, by amendments to The Ombudsman Act - amendments described as "noncontroversial" and not appearing to "require debate in principle" - the government, whether intentionally or otherwise, has clearly eroded the independence of the Ombudsman and has made the Ombudsman in part subject to the dictates of government, thereby usurping the responsibility of the Legislature in this regard.

Finally, under these amendments, the Ombudsman is placed by law in a situation where he could be obligated to assume the responsibility of providing ombudsman services for the City of Winnipeg, without any guarantee that appropriate resources and compensation will be forthcoming -the very situation which I made clear from the beginning I was not prepared to accept.

It may be argued at this point that since the Legislative Assembly passed Bill 65, the Legislative Assembly is in fact in agreement with the government's position on this matter. However, not having had the opportunity to provide to the Assembly any input regarding these amendments to The Ombudsman Act, I am not at all convinced that the Honourable Members of the Legislature had sufficient and relevant information to properly assess the amendments before voting on them.

Having said all of this, I would like to end on a positive note by indicating that even at the time of writing this article, discussions are being held on these issues, and even though government has indicated an unwillingness to alter the amendments to The Ombudsman Act, I want to remain hopeful that should the City continue to pursue a contract for ombudsman services, an appropriate agreement can be reached guaranteeing adequate resources and compensation to provide an efficient and effective service.

Child and Adolescent Services

During 1990, my office continued to pursue matters affecting children and their families. Often the review of individual cases or complaints gives rise to broader systems issues which have the potential to affect a large number of children and families. The following section provides an update on some of the issues we continued to monitor in 1990, as well as new issues we pursued.

Agassiz Youth Centre

In 1988, I had raised a number of issues relating to the Agassiz Youth Centre. In my 1989 Annual Report, I identified continuing concerns with respect to the deteriorating physical condition of the Centre. I reported that during 1989, we had noticed no visible signs of improvement in the living conditions.

I am pleased to be able to report this year that, at the time of the writing of this report, significant improvements have been made to the living environment and physical condition at Agassiz Youth Centre. Cottages have been newly painted and carpeted; washroom and kitchen areas renovated; and roofing repairs undertaken. Attention still needs to be given to the furnishings and window covering in the cottages but we feel that what has been done has had a significant impact on improving the environment for both the residents and staff at Agassiz Youth Centre.

While there are some general issues we continue to monitor at the Agassiz Youth Centre, I am satisfied with the cooperation we have been receiving from the Department on the issues identified.

Financial Assistance for Teens

In my 1988 and 1989 Annual Reports, I commented on an emerging concern relating to the supports available to older teenagers who may be living independently in the community because they cannot, or will not, return home and have no visible means of financial support. I had brought my concerns in this area to the attention of the Department of Family Services.

We had been advised by the Department that staff would be reviewing the matter to recommend an approach that could resolve the concerns raised without sacrificing the important principle that family should bear the primary responsibility for the welfare of their children. It was suggested that the recent amalgamation of related responsibilities (Income Security and Family Services) into a single department should facilitate the review and development of satisfactory policies and procedures.

The issue of homeless children and youth has been identified as a serious problem in Winnipeg. I have recognized that this is a very complex social issue that crosses a number of social service systems. I also do not believe that extending unconditional financial support to minors is the ideal solution to the problem. However, I do not find it unreasonable to expect that some final decisions be made in this critical area.

Our office did meet with staff from the Department of Family Services in August 1990, to discuss the situation. I regret to report that, while the matter has been under review by the Department and a number of options considered, there are no further developments in this area.

Bail Applications for Youth

In 1989, I reported on a case involving a youth being detained at the Manitoba Youth Centre. His complaint related to the length of time it had taken before his bail application was heard.

During the course of our inquiry, it came to our attention that youth placed in custody at the Manitoba Youth Centre did not have access to judicial officers during regular working hours.

The information received from the Department confirmed that Court was held at the Youth Centre every morning to deal with custody matters. Once Court was concluded, any bail applications for youth had to be made after regular working hours.

However, it was our understanding that adult offenders had access to judicial officers during the day to deal with bail applications. Therefore, we were concerned about what appeared to be differential treatment between youths and adults, given that adults had more immediate access to judicial officers than did juveniles.

While we could do nothing on a practical basis for the youth who brought this issue to our attention, I opened a file on my own initiative to pursue the issue with the Department of Justice. I expressed my opinion to the Department that young offenders should have the same opportunity as adults to make application for bail during regular working hours. I believed that the practice which did not allow this to happen, could be considered unjust, oppressive or improperly discriminatory.

Prior to making a formal recommendation that the practice be reviewed and provision be made to allow young offenders equal access to judicial officers, I referred the matter to the Department for further consideration and comment.

The Assistant Deputy Minister, Courts Division, responded to my comments. We were advised that the operation of the Adult Custody Court required greater resources than the Youth Court and, as a result, magistrates were assigned at the Public Safety Building during the day to provide support for the sitting of the Provincial Custody Court. We were advised that the magistrates were not assigned at the Public Safety Building during the day for the express purpose of providing a special bail service for adult prisoners. However, the magistrates' close proximity to the adult lockup, made them readily available for adult bail applications. It was stated that, although the level of service provided to adults may not be identical to that provided for young offenders, it was not discriminatory or unjust. I was also advised that judicial services provided throughout the province vary a great deal, depending on a wide range of circumstances and conditions.

Nevertheless, the Assistant Deputy Minister stated he recognized that it was important to provide all persons with adequate access to judicial officers where it is feasible to do so. As a result of my letter, he had discussed the matter with the Chief Provincial Judge who assured the Assistant Deputy Minister that the Provincial Court would enable young offenders to have access to judicial officers during regular working hours. If the Provincial Court sitting was concluded for the day and a matter was to proceed to hearing, a magistrate would attend at the Manitoba Youth Centre to deal with an application for judicial interim release.

This letter from the Assistant Deputy Minister was received by my office in June 1990, and I was advised that the new practice would be effective immediately.

This action resolved the concern which we had raised and our file was concluded. To date, we have had no new complaints relating to this issue.

Youth Admitted to the Brandon Mental Health Centre

In 1990, two separate complaints were received from youths who had been admitted to the Brandon Mental Health Centre. In both instances, the youths were objecting to their hospitalization and requesting release.

During the course of our inquiries into these cases, we were advised that when a person under the age of eighteen years is admitted to a designated psychiatric facility and the consent to admission is signed by a parent or legal guardian, the young person is considered to be a voluntary patient. An adult person admitted to a mental health facility as a voluntary patient may, subject to the requirements under The Mental Health Act, leave the psychiatric facility at any time. However, this did not appear to apply to youth unless they had the consent of their parent or legal guardian.

Under The Mental Health Act, a Review Board has been established to review "any aspect of the admission or treatment of a patient..." including a review of the status of the patient. Although the sections of The Mental Health Act pertaining to Hearings and Appeal make no specific reference to the age of applicants, my office was advised that people under eighteen years of age did not have access to the Review Board in their own right. It had been suggested that an application on behalf of a young person would only be heard by the Review Board if it was initiated by the admitting parent or guardian. However, in both of the specific cases reviewed by our office, the guardians wanted the young persons to remain at the Brandon Mental Health Centre, which we understood was the only designated psychiatric facility in the province to admit people under the age of eighteen years.

Under the circumstances, I was concerned that for youth, who may be deemed to be in need of a secure setting or treatment but who may not necessarily meet the criteria for admission and hospitalization as defined under The Mental Health Act, the potential existed for them to remain in a mental health facility if a suitable community placement was not available. While it might be argued that the child's "best interest" was being served by detention at the mental health facility, we must also be conscious to balance best interests with the child's rights. My office is very concerned about the lack of access to an independent review for youths placed in the Brandon Mental Health Centre. We believe that procedural safeguards should be in place for youth in these situations. While the cases specific to the two youths who came to our office were resolved, we felt that there was a

broader systems issue which warranted further review.

In my opinion, minors should only be detained in a designated psychiatric facility if they meet the criteria for admission and hospitalization as defined under The Mental Health Act. I also believe that minors should have access to due process and administrative review as do adult patients of mental health facilities, ie: right of an independent appeal to the Review Board.

In discussions with the Chief Provincial Psychiatrist on this issue, it appeared that amendments might be required to The Mental Health Act with respect to the rights of minors in this regard. However, I advised the Chief Provincial Psychiatrist that I believed a procedure should be instituted whereby minors would have access to an assessment by an independent psychiatrist if a dispute or question arose as to their need for continuing confinement in a mental health facility. I also believe that it should be the attending physician, not the parent or legal guardian, who makes the determination as to whether or not a minor should be confined to a mental health facility.

We will follow up with the Department in the coming year on this issue.

Place of Safety Designation for Youths

In the late fall of 1989, the Executive Director of a Child and Family Services agency brought a concern to my attention regarding a draft which had been prepared by the Department of Family Services relating to the designation of places of safety for youths. The proposed draft had been sent to Executive Directors, Regional Directors and Child and Family Services agencies. The intent of the Place of Safety Designations was to permit agencies to utilize additional resources for the emergency care and protection of children. However, specific concerns were raised about the proposed criteria and procedures for the use of police and jail cells as a Place of Safety.

It had been stipulated in the draft criteria that utilization of a police or jail cell as a Place of Safety occurs only when no other alternative is available or accessible. There were also requirements for authorizing the placement and ensuring appropriate staffing was available. Nevertheless, after reviewing the draft policy, I also had some questions regarding the appropriateness of this particular designation. Our concerns were raised with the Department of Family Services.

My office was subsequently advised that this section was primarily intended for rural and remote areas where resources may be even more limited than in urban areas. However, I did not feel this was clearly articulated in the draft. It also appeared that the policy was for children who come into care under the provisions of The Child and Family Services Act as opposed to The Young Offenders Act.

While I appreciated that the intent was for jail cells to be used on rare and exceptional occasions, once such policies are established, the procedure has a potential to become more commonplace then may have been intended originally. I also believed it could be a potentially traumatizing experience for a child who needs protection as a result of abuse or neglect to be placed in a police or jail cell. While recognizing that resources may be an even greater problem for children in remote and rural areas than for those in urban areas, in my opinion, more appropriate resources or places of safety should be developed, rather than implementing this policy.

It is the responsibility of the various provincial government departments and agencies to develop the policies and procedures relevant to their operations. However, the Ombudsman often offers comments or suggestions when consulted as new policy and procedures are being developed. In this case, I advised the Department that I was of the opinion that utilization of jail and police cells to house children who need assistance because of child welfare concerns was not acceptable and correctional facilities were not a suitable "place of safety" designation.

During the course of our general reviews of systems issues affecting children, the Investigator, Child and Adolescent Services, had toured the Young Offender Unit in the Brandon Correctional Institution (BCI). It came to her attention that from January 1990 until the end of October 1990, there had been twenty-two admissions of children under The Child and Family Services Act to the BCI. The admitting reasons were that the child was either a "runaway", "AWOL" or considered to be "a child in need of protection". Even though these youths were housed in the Young Offender Unit, we did not find this practice of admitting children to the Brandon jail, as a place of safety, acceptable. It might also be noted that there may be situations when individuals eighteen years of age or older are also housed in the Young Offender Unit if they have been charged under The Young Offender Act.

Our concerns about these admissions were brought to the attention of both the Departments of Justice and Child and Family Services. In on-going discussions with both Departments, we were advised that the practice of placing children at the Brandon Correctional Institution on an emergency child welfare basis would no longer continue. The issue was also addressed in the final Place of Safety standards. The designation relating to the use of police and jail cells was deleted from the final standards. It was clearly stated that no child is to be placed or left in a correctional facility as a place of safety.

Manitoba Public Insurance Corporation

In my 1983, 1987 and 1988 Annual Reports, I raised some concerns and opinions relating to systemic problems which I felt were contributing to valid complaints against the Manitoba Public Insurance Corporation. Four main concerns were: the process followed in handling total loss settlements, the Corporation's provision of legal representation in Small Claims Court, 50/50 liability assessments and the policy regarding assessment and refund of premiums. In January 1990, I received a response from the Corporation to the concerns raised in my Annual Reports.

Arbitration Process

My 1987 Annual Report clearly expressed in some detail the concerns our office had which were based on our experiences over the years in receiving and investigating complaints against the Corporation. In my 1988 Annual Report, I again raised the issues as I felt that serious and thorough consideration had not been given to the concerns expressed about the arbitration process. In responding to these concerns, the Corporation presented its position which was basically supporting the current arbitration process. It seemed to me it was the same position that had been put forward in the past. The Corporation continued to argue in favour of the status quo, with most of the concerns I had raised going unaddressed.

I continue to feel that the present system established by the Corporation to resolve actual cash value disputes is adversarial by design and practice. I feel that fairness and equity in the dispute resolution process would be enhanced by the establishment of a system that focuses on a mediation model, rather than on an adversarial process. Nevertheless, the Corporation does not agree with my position and the system remains virtually unchanged.

Our involvement in the process will continue on a case by case basis as we receive complaints which question the fairness and equity of this process.

Provision of Legal Representation to Respondents in Small Claims Court Actions

In my 1988 Annual Report, I noted that I understood the Corporation was taking action which could relieve it of the responsibility to defend actions in Small Claims Court for the recovery of deductibles. However, further inquiries indicated that the matter was no longer being pursued. At the time of writing this report, we have requested further information relating to the issue.

50/50 Liability Assessments

In both the 1987 and 1988 Annual Reports, concerns were raised with the Corporation's practice of using a 50/50 accident liability assessment for surcharge purposes where insufficient evidence exists to conclude who was responsible to any degree. The Corporation has responded to this concern concurring that the matter should receive further study and advising that it intends to address the issue as part of the development of a new rate classification system.

Refund of Premiums

Concern was raised regarding the method by which the Corporation assesses and refunds premiums for registration and insurance purposes. Individuals who purchase their registration and insurance for a portion of a month, must pay premiums for the complete month. Conversely, individuals who turn in their registration and insurance during the month do not get a refund for the portion of the month for which no insurance was provided.

The Corporation advised our office that the potential for implementing daily pro-rationing has been carefully reviewed on a number of separate occasions in the past. It was noted that it had been decided that other priorities must take precedence and implementation of daily pro-rationing could only be undertaken when the motor vehicle insurance system is rewritten. We were advised that the Corporation is currently developing specifications for a new system which would include provisions for pro-rationing.

While I believe it would be fair to assess and refund premiums on a daily, weekly or bi-weekly basis rather than on a monthly basis, that decision rests with the Corporation. I am pleased that the Corporation is looking at positive changes to the assessment and refund policy.

In closing, while I have raised some issues of concern to me relating to our involvement with the Corporation, generally, our experience with the Corporation has been a positive one. On a case by case basis, we find the Corporation to be most cooperative with a genuine interest in resolving disputes.

Public Relations

As in previous years, the year 1990 was a very busy one for the Ombudsman with respect to public relations. The Ombudsman attended over fifty public relations functions bringing him and his office into contact with a large cross section of the Manitoba population. At many of the functions attended, the Ombudsman was the guest speaker presenting information on how the Ombudsman's office functions to assist those who have problems involving provincial government departments and agencies. As well as speaking about the function of his office, the Ombudsman was often asked to speak on a number of other important topics relevant to today's society. The following list presents a few of the public relations undertakings of the Ombudsman during 1990.

Event	Location	Topic of Presentation
Ratepayers Association of Ritchot Inc. - Annual Meeting	St. Adolphe	The Role and Jurisdiction of the Ombudsman
Assiniboine Community College - Multicultural Day	Brandon	Cross Cultural Understanding in the Global Village
Neiland Collegiate	Brandon	Human Rights and You
Registered Psychiatric Nurses Association - Seminar on the Mental Health Act	Brandon	The Ombudsman's Role re Mental Health Matters
Grenadian Association of Manitoba, Inc. - Youth Encounter	Winnipeg	How to Develop a Positive Attitude
Community and Youth Correction Services - Committee on Sexism and Racial Discrimination	Winnipeg	Discriminmation
The University of Winnipeg - Administrative Law Seminar	Winnipeg	The Role of the Ombudsman
Brandon University - Seminar on Native Government	Brandon	The Ombudsman Concept and Native Government
The University of Winnipeg - Senior Students' Program Celebrity Lecture Series	Winnipeg	The Role of the Ombudsman
Manitoba Legislative Internship Program	Winnipeg	The Role of the Ombudsman
Foster Family Appreciation Night	Thompson	Striving for Excellence
Health and Family Services Staff	Thompson	The Role of the Ombudsman
Portage Correctional Institute - Talk with inmates	Portage la Prairie	The Role of the Ombudsman
Milner Ridge Correctional Centre - Training Course for new workers	Milner Ridge	The Role of the Ombudsman
Portage District 4-H - Annual Dinner	Portage la Prairie	Be the Best You Can Be
Child Care Workers from Agassiz Youth Centre and Manitoba Youth Centre	Winnipeg	Rights of Children in Institutions
Portage Correctional Institution - Talk with Staff	Portage la Prairie	The Role of the Ombudsman
Agassiz Youth Centre - Talk with Staff	Portage la Prairie	The Role of the Ombudsman
Portage la Prairie Rotary Club	Portage la Prairie	The Role of the Ombudsman
Correctional Officers Training Course - Assiniboine Community College	Brandon	The Role of the Ombudsman

Canadian Ombudsman Conference

The 1990 Canadian Conference took place in Halifax City, in the Province of Nova Scotia, from September 19, 1990 until September 21, 1990. Along with the wonderful "down east" hospitality provided through the Nova Scotia Ombudsman's office, we enjoyed stimulating and thought-provoking conference sessions dealing with such topics as: The Ombudsman Concept - World view; Ombudsman and the Environment; "Whistle Blowers" - Responsible to Whom?; The Police and Public Complaints; and, Reflections on the Ombudsman Concept. There were many interesting and competent speakers providing insight on these topics. We were particularly fortunate to have, among these, from Carleton University, Dr. Donald C. Rowat, a well-known long-term author and proponent of the ombudsman concept.

The Canadian Ombudsman Conference was, without a doubt, a time of inspiration and refreshment for all who attended and I extend sincere thanks to the Nova Scotia Ombudsman, his spouse and staff, as well as to the people of Nova Scotia for providing the opportunity for sharing ideas and experiences in such a warm and friendly environment.

National Conference on Human Rights and Canadian Solidarity

From December 9 - 11, 1990, I was pleased to attend, upon special invitation, the National Conference on Human Rights and Canadian Solidarity. This Conference was organized under the auspices of the Secretary of State and Minister of State (Multiculturalism and Citizenship) and brought together approximately two hundred participants representing many sectors of Canadian society including nongovernmental organizations, academia, business, labour, the judiciary and government. The stated purpose of the Conference was to examine the status of human rights in Canada, and to discuss options for increasing the enjoyment of human rights in the coming decade. The building of effective partnerships across all sectors of society, with the goal of working toward solidarity in indentifying and addressing human rights issues, was felt to be a key component of the overall approach to this Conference. Within that context, I was pleased, as Manitoba's Ombudsman, to represent our province and to discuss with others the promotion of human rights and fairness and justice for all.

A report on this Conference has been issued by Multiculturalism and Citizenship Canada and assurance of follow-up to the conclusion of the Conference has been given by the Minister of Multiculturalism and Citizenship who stated that "The discussions and suggestions arising from this conference constitute a valuable insight into current human rights issues and concerns in Canada, and will be of great assistance to all of us in charting the future evolution of human rights in our society."

Complaint Statistics

Cases Brought Forward From the Previous Year

At the close of 1989, there were 282 cases still pending (1 of which was from 1983, 1 from 1984, 4 from 1985, 5 from 1986, 8 from 1987, 41 from 1988 and the remainder, 222, from 1989. The disposition of these cases are as follows:

Assistance Rendered 8

85-290-52	— Health
86-140-92	— Community Services
87-140-105	— Community Services
89-140-75	— Family Services
89-140-83	— Family Services
89-150-7	— Co-operative, Consumer and Corporate Affairs
89-290-23	— Housing
89-380-51	— Private Matters

Discontinued (Client) 10

89-110-248	— Justice
89-110-249	— Justice
89-130-5	— Civil Service Commission
89-140-67	— Family Services
89-140-76	— Family Services
89-140-77	— Family Services
89-170-11	— Corporations and Extra Departmental
89-270-61	— Health
89-280-31	— Highways and Transportation
89-410-96	— Workers Compensation Board

Discontinued (Ombudsman) 21

86-140-79	— Community Services
88-140-82	— Community Services
88-140-100	— Community Services
88-140-101	— Community Services
88-140-115	— Community Services
88-140-133	— Community Services
88-140-135	— Community Services
88-380-36	— Private Matters
89-100-14	— Agriculture
89-110-75	— Justice
89-140-64	— Family Services
89-140-68	— Family Services
89-150-8	— Co-operative, Consumer and Corporate Affairs
89-270-25	— Health
89-270-71	— Health
89-280-24	— Highways and Transportation

89-350-50 — Manitoba Public Insurance Corporation
89-360-5 — Natural Resources
89-380-1 — Private Matters
89-410-61 — Workers Compensation Board
89-410-95 — Workers Compensation Board

Information Supplied 38

83-220-3 — Environment and Workplace Safety and Health
88-110-43 — Attorney General
88-110-130 — Attorney General
88-140-24 — Community Services
88-140-117 — Community Services
88-380-62 — Private Matters
89-100-13 — Agriculture
89-110-6 — Justice
89-110-139 — Justice
89-110-157 — Justice
89-110-183 — Justice
89-110-222 — Justice
89-110-234 — Justice
89-110-240 — Justice
89-140-5 — Family Services
89-140-21 — Family Services
89-140-24 — Family Services
89-140-50 — Family Services
89-140-54 — Family Services
89-140-61 — Family Services
89-140-63 — Family Services
89-140-84 — Family Services
89-270-4 — Health
89-270-32 — Health
89-270-35 — Health
89-270-38 — Health
89-270-68 — Health
89-280-32 — Highways and Transportation
89-340-2 — Municipalities, Cities, Towns, Etc.
89-350-54 — Manitoba Public Insurance Corporation
89-350-62 — Manitoba Public Insurance Corporation
89-350-83 — Manitoba Public Insurance Corporation
89-350-86 — Manitoba Public Insurance Corporation
89-360-7 — Natural Resources
89-410-30 — Workers Compensation Board

89-410-75 — Workers Compensation Board
89-410-87 — Workers Compensation Board
89-410-93 — Workers Compensation Board

Not Supported 81

85-150-139 — Community Services
85-230-32 — Employment Services and Economic Security
85-330-5 — Labour
86-130-1 — Civil Service Commission
86-140-147 — Community Services
86-330-5 — Municipal Affairs
87-140-4 — Community Services
87-140-81 — Community Services
87-140-115 — Community Services
87-280-20 — Highways and Transportation
88-110-5 — Attorney General
88-110-146 — Attorney General
88-140-85 — Community Services
88-140-127 — Community Services
88-140-129 — Community Services
88-200-2 — Education
88-270-22 — Health
88-270-25 — Health
88-290-4 — Housing
88-350-50 — Manitoba Public Insurance Corporation
88-360-6 — Natural Resources
88-410-28 — Workers Compensation Board
89-100-1 — Agriculture
89-110-59 — Justice
89-110-64 — Justice
89-110-67 — Justice
89-110-135 — Justice
89-110-136 — Justice
89-110-169 — Justice
89-110-177 — Justice
89-110-181 — Justice
89-110-207 — Justice
89-110-212 — Justice
89-110-219 — Justice
89-110-224 — Justice
89-110-232 — Justice
89-110-235 — Justice

89-110-237 — Justice
89-130-8 — Civil Service Commission
89-140-6 — Family Services
89-140-52 — Family Services
89-140-60 — Family Services
89-150-5 — Co-operative, Consumer and Corporate Affairs
89-170-7 — Corporations and Extra Departmental
89-250-7 — Finance
89-260-5 — Government Services
89-270-8 — Health
89-270-45 — Health
89-270-60 — Health
89-280-14 — Highways and Transportation
89-280-18 — Highways and Transportation
89-280-21 — Highways and Transportation
89-280-23 — Highways and Transportation
89-280-25 — Highways and Transportation
89-280-27 — Highways and Transportation
89-290-5 — Housing
89-290-17 — Housing
89-300-6 — Manitoba Hydro
89-310-2 — Industry, Trade and Tourism
89-320-11 — Labour
89-320-17 — Labour
89-320-18 — Labour
89-350-13 — Manitoba Public Insurance Corporation
89-350-31 — Manitoba Public Insurance Corporation
89-350-56 — Manitoba Public Insurance Corporation
89-350-57 — Manitoba Public Insurance Corporation
89-350-61 — Manitoba Public Insurance Corporation
89-350-63 — Manitoba Public Insurance Corporation
89-350-73 — Manitoba Public Insurance Corporation
89-350-78 — Manitoba Public Insurance Corporation
89-350-82 — Manitoba Public Insurance Corporation
89-350-84 — Manitoba Public Insurance Corporation
89-360-1 — Natural Resources
89-360-2 — Natural Resources
89-360-3 — Natural Resources
89-410-56 — Workers Compensation Board
89-410-74 — Workers Compensation Board
89-410-81 — Workers Compensation Board

89-410-88 — Workers Compensation Board
89-410-89 — Workers Compensation Board
89-410-97 — Workers Compensation Board

Partially Resolved 2

89-110-211 — Justice
89-290-21 — Housing

Resolved 46

87-260-2 — Government Services
88-110-116 — Attorney General
88-110-120 — Attorney General
88-140-107 — Community Services
88-140-126 — Community Services
88-200-6 — Education
88-280-39 — Highways and Transportation
88-360-3 — Natural Resources
89-110-30 — Justice
89-110-37 — Justice
89-110-107 — Justice
89-110-138 — Justice
89-110-201 — Justice
89-110-205 — Justice
89-110-213 — Justice
89-110-250 — Justice
89-140-37 — Family Services
89-140-47 — Family Services
89-140-51 — Family Services
89-140-66 — Family Services
89-140-82 — Family Services
89-210-4 — Employment Services and Economic Security
89-210-14 — Employment Services and Economic Security
89-260-1 — Government Services
89-270-10 — Health
89-280-33 — Highways and Transportation
89-290-16 — Housing
89-290-22 — Housing
89-290-26 — Housing
89-320-4 — Labour
89-320-6 — Labour
89-350-3 — Manitoba Public Insurance Corporation
89-350-20 — Manitoba Public Insurance Corporation
89-350-21 — Manitoba Public Insurance Corporation

89-350-28 — Manitoba Public Insurance Corporation
89-350-53 — Manitoba Public Insurance Corporation
89-350-71 — Manitoba Public Insurance Corporation
89-350-74 — Manitoba Public Insurance Corporation
89-350-81 — Manitoba Public Insurance Corporation
89-350-88 — Manitoba Public Insurance Corporation
89-410-50 — Workers Compensation Board
89-410-67 — Workers Compensation Board
89-410-68 — Workers Compensation Board
89-410-72 — Workers Compensation Board
89-410-77 — Workers Compensation Board
89-410-90 — Workers Compensation Board

Pending 76

84-350-58 — Manitoba Public Insurance Corporation
87-110-15 — Attorney General
87-360-4 — Natural Resources
88-110-6 — Attorney General
88-110-82 — Attorney General
88-110-128 — Attorney General
88-140-94 — Community Services
88-270-67 — Health
88-280-3 — Highways and Transportation
88-290-28 — Housing
88-350-31 — Manitoba Public Insurance Corporation
88-350-58 — Manitoba Public Insurance Corporation
88-410-32 — Workers Compensation Board
89-100-3 — Agriculture
89-100-4 — Agriculture
89-100-5 — Agriculture
89-100-7 — Agriculture
89-100-11 — Agriculture
89-110-7 — Justice
89-110-13 — Justice
89-110-19 — Justice
89-110-45 — Justice
89-110-172 — Justice
89-110-204 — Justice
89-110-214 — Justice
89-110-215 — Justice
89-110-216 — Justice
89-110-221 — Justice

89-110-233 — Justice
89-110-236 — Justice
89-110-238 — Justice
89-110-239 — Justice
89-110-241 — Justice
89-110-243 — Justice
89-110-244 — Justice
89-130-7 — Civil Service Commission
89-140-28 — Family Services
89-140-32 — Family Services
89-140-33 — Family Services
89-140-39 — Family Services
89-140-40 — Family Services
89-140-48 — Family Services
89-140-65 — Family Services
89-140-70 — Family Services
89-140-73 — Family Services
89-140-74 — Family Services
89-140-79 — Family Services
89-140-81 — Family Services
89-170-10 — Corporations and Extra Departmental
89-170-13 — Corporations and Extra Departmental
89-200-3 — Education and Training
89-200-7 — Education and Training
89-220-1 — Energy and Mines
89-235-1 — Executive Council
89-270-6 — Health
89-270-21 — Health
89-270-41 — Health
89-270-66 — Health
89-280-19 — Highways and Transportation
89-280-26 — Highways and Transportation
89-290-19 — Housing
89-300-5 — Manitoba Hydro
89-300-8 — Manitoba Hydro
89-310-1 — Industry, Trade and Tourism
89-320-13 — Labour
89-340-11 — Municipalities, Cities, Towns, Etc.
89-350-55 — Manitoba Public Insurance Corporation
89-350-60 — Manitoba Public Insurance Corporation
89-350-72 — Manitoba Public Insurance Corporation

89-350-77 — Manitoba Public Insurance Corporation
89-350-79 — Manitoba Public Insurance Corporation
89-350-85 — Manitoba Public Insurance Corporation
89-410-58 — Workers Compensation Board
89-410-63 — Workers Compensation Board
89-410-64 — Workers Compensation Board
89-410-94 — Workers Compensation Board

From the above, it is noted that of the 282 cases brought forward from the last reporting year, 206 (73%) were concluded during this reporting year with 76 (27%) being carried over into 1991.

Disposition of 1990 Complaints

Assistance Rendered	45
Declined	19
Discontinued (Client)	55
Discontinued (Ombudsman)	27
Information Supplied	164
Not Supported	121
Pending	196
Resolved	121
Partially Resolved	5
TOTAL	**753**

Looking at the disposition of the complaints received in 1990, we note that 557 or 74% were completed during the year. Of that number, 335 or 60% were in the categories Assistance Rendered, Information Supplied, Partially Resolved and Resolved.

The number of cases carried over to 1991 was 196 or 26% of the cases received during the year. This is slightly lower than the 28% caseload which was carried over from 1988 to 1989.

There was only a small number of cases which the Ombudsman declined to investigate, namely 19, which represents 3% of the total number of cases received.

Of the cases received during the year, 82 or 11% were discontinued either by the Ombudsman or the client.

Finally, of the cases completed, we note that 121 or 22% were not supported.

Complaints Attributed to each Department, Agency or Category

Rank	Department or Category	Number of Complaints	Percentage of Total (Approximately)	Number of Complaints Up from Last Year (+) Down from Last Year (–)
1	Ministry of Justice	224	29.75%	–
2	Family Services	105	13.94%	+
3	Workers Compensation Board	82	10.89%	–
4	Health	78	10.36%	+
5	Manitoba Public Insurance Corporation	54	7.17%	–
6	Private Matters	49	6.51%	–
7	Highways and Transportation	29	3.85%	–
8	Housing	23	3.05%	–
9	Natural Resources	16	2.12%	+
10	Agriculture	12	1.59%	–
	Federal Departments and Agencies	12	1.59%	–
11	Manitoba Hydro	10	1.33%	+
	Corporations and Extra Departmental	10	1.33%	–
12	Labour	9	1.20%	–
	Municipalities, Cities, Towns, Etc.	9	1.20%	–
13	Environment	5	0.66%	+
	Co-operative, Consumer and Corporate Affairs	5	0.66%	–
14	Education and Training	3	0.40%	–
	Rural Development	3	0.40%	+
	Northern Affairs	3	0.40%	+
	Industry, Trade and Tourism	3	0.40%	+
	Civil Service Commission	3	0.40%	–
15	Finance	2	0.27%	–
	Government Services	2	0.27%	–
16	Provincial Auditor	1	0.13%	+
	Executive Council	1	0.13%	same
TOTAL		753	100.00%	

Complaints by the Year

Year	Written Complaints	Telephone Enquiries	Total of Written Complaints and Telephone Enquiries
1970	333	—	333
1971	396	—	396
1972	487	—	487
1973	441	—	441
1974	641	—	641
1975	651	—	651
1976	596	—	596
1977	606	—	606
1978	543	—	543
1979	531	—	531
1980	510	—	510
1981	526	—	526
1982	551	348	899
1983	728	1,179	1,907
1984	807	1,275	2,082
1985	858	1,826	2,684
1986	674	1,347	2,021
1987	757	3,261	4,018
1988	843	2,262	3,105
1989	829	3,004	3,833
1990	753	2,609	3,362
TOTALS	**13,061**	**17,111**	**30,172**

Sources of Complaints

Alexander	1	Island Lake	1
Alonsa	1	Killarney	2
Altona	1	Kinosota	2
Anola	1	LaBroquerie	1
Arborg	3	Lac du Bonnet	3
Arden	1	Lorette	1
Ashern	2	Lynn Lake	1
Beausejour	11	MacGregor	1
Belmont	1	Malonton	1
Binscarth	1	Manitou	1
Birch River	1	McCreary	2
Birtle	1	Milner Ridge	1
Boissevain	1	Miniota	1
Bowsman	1	Minitonas	1
Brandon	48	Minnedosa	1
Carberry	2	Moosehorn	2
Chatfield	1	Niverville	3
Darlingford	1	Oakbank	2
Dauphin	4	Onanole	1
Deloraine	1	Petersfield	1
Delourdes	1	Pinawa	1
Domain	1	Pine Falls	2
Dugald	1	Poplarfield	1
Elm Creek	1	Portage la Prairie	28
Elphinstone	1	Powerview	1
Erickson	6	Richer	1
Flin Flon	3	Riverton	3
Gillam	3	Roblin	2
Gladstone	1	Rorketon	1
Grandview	1	Rosenort	1
Hamiota	1	Sandy Lake	1
Headingley	51	Selkirk	16
Hodgson	1	Seven Sisters	1
Ile des Chenes	2	Shoal Lake	1

Sources of Complaints

Springstein	2	Thompson	4
St. Adolphe	2	Treherne	1
St. Norbert	1	Virden	2
St. Pierre Jolys	1	Vogar	1
Stead	3	Wabowden	1
Steep Rock	1	Wanipigow	1
Steinbach	2	Waterhen	1
Stony Mountain	1	Whitemouth	1
Strathclair	1	Winkler	3
Stuartburn	1	Winnipeg	434
Swan River	3	Winnipeg Beach	1
Teulon	1	Woodlands	1
The Pas	10		
Subtotal			**727**
Out of Province			
Alberta	4	Saskatchewan	2
British Columbia	11	Quebec	3
Ontario	5	Texas	1
Subtotal			**26**
TOTAL			**753**

Selected Case Summaries

89-280-32 Highways and Transportation

Alleges inadequate attempts by Driver and Vehicle Licencing Division to notify of licence suspension.

Our office was contacted by an individual who felt he had not been provided with proper notification from the Driver and Vehicle Licencing Division of the Department of Highways and Transportation concerning his licence suspension, effective April 21 to June 20, 1989. The Notice of Suspension had been sent to his previous address. The individual was involved in a motor vehicle accident on June 28, 1989 before he knew of or could comply with an interview requirement necessary for him to regain his driver privileges. As a result, he was found to be an unlicenced and uninsured driver at the time of the accident and insurance coverage was denied to him.

In response to this complaint, a report was requested and received from the Driver and Vehicle Licencing Division, the driver's file at the Division was reviewed and the relevant legislation and regulations were considered.

We understand that under The Highway Traffic Act, the Registrar may, for any reasonable cause, cancel or suspend a person's licence or vehicle registration for such a period as the Registrar may consider sufficient. The driver's file indicated that he was personally served with a notice in December 1988 which, in accordance with the legislation, stated that the Registrar was considering cancelling or suspending his driver licence or registration and which also indicated that if the driver failed to appear for a Show Cause Hearing or to submit his case in writing, a decision would be made in his absence based on the information available to the Registrar. When the driver failed to cooperate in three attempts made by the Division to hold a Show Cause Hearing in his case, the Registrar considered the information available to him and decided to cancel the driver's licence.

While we understand that the Registrar has the power to suspend a driver's licence we also understand that, under The Highway Traffic Act, the Registrar or a person acting under The Registrar's authority shall give notice to the affected person of this intended action. We further understand that, under the legislation, this notice shall be in writing and shall be served either personally or by mailing the notice to the person by registered or certified mail at the person's last recorded address.

We learned that the Division decided to have the Notice of Suspension, dated April 6, 1989 and advising the driver of the Registrar's decision, delivered to him personally by the police at the address shown on his licence. The Division said it was felt this would be the more efficient method of service. We were advised that, for over a month, several service attempts were made by the police at that address without success.

In fact, the driver was no longer living at the address shown on his driver licence. It was the complainant's contention that the Division did not sufficiently attempt to ascertain his whereabouts. In support of this allegation, he noted that his vehicle registration, filed at the Division, showed his new address.

We understand that under The Highway Traffic Act, where a licensee changes his/her place of residence, he/she shall file with the Registrar a notice of this change and information of the new address within fifteen (15) days. We learned that over fifteen (15) days had passed since the driver's move and that he had not submitted a license amendment to the Division as required. Accordingly, our office did not find that the Division was wrong in attempting to have the driver served at the address shown on his licence.

However, it was felt by our office that the Notice of Suspension was not served on the driver in a timely manner. We observed, for example, that had the Notice of Suspension been sent to his last known address in April 1989, either by registered or certified mail, that action alone would have met the requirement under the legislation regardless of whether the driver received it. As it happened, the driver was not served until after he was involved in an accident, several months later, at which time he was driving as an unlicenced and uninsured driver.

We contacted the Driver and Vehicle Licencing Division and noted that, in order to avoid similar disputes, it was felt that the service of Notices of Suspension should be complied with in strict accordance with The Highway Traffic Act.

The Division responded to our office by stating it is its procedure to notify a driver by certified mail that his/her licence is to be suspended. We were advised that this particular driver's experience was an exception. The Division's response addressed our concerns.

We reported to the driver, advising him we were satisfied that his case involving notification was an

exception and was not indicative of the normal procedures for serving suspensions. Having indicated to the Department the importance of following the Highway Traffic Act when serving suspensions, there was no need for the Ombudsman to make any recommendation in this regard. As for the insurance issue, we learned that the complainant had contested the matter in Court. We advised him that as this issue had been taken to Court, it was not open for consideration by our office.

89-290-16 Housing

Alleges that the Landlord and Tenant Affairs failed to notify her of security deposit decision.

Our office was contacted by a tenant who advised of a situation regarding her dealings with the Landlord and Tenant Affairs Branch of the Department of Housing. Basically, she expressed concern that the Department allegedly did not notify her of an arbitration decision and on being made aware of the decision she further alleged that it was not a proper one.

In contacting our office, the individual advised that she was a tenant of an apartment complex in Winnipeg and remained in occupancy from November 1st, 1986 to October 1st, 1988. On vacating the premises, she was informed that the landlord was preparing a claim for the security deposit as it was alleged damage was caused to the premises during her occupancy. At the time of vacating the premises, the security deposit plus interest amounted to $161.00.

After deducting his claim of $117.35 the landlord provided a refund cheque in the amount of $43.65 to the tenant. The tenant disputed the claim of the landlord and filed a complaint with the Landlord and Tenant Affairs Branch.

On receiving the complaint, the Department requested that the landlord remit the sum of $117.35 and, as well, submit details of his claim for damages. The landlord forwarded a cheque to the Department for the amount requested and provided details of his claim for damages against the tenant.

The Department made several attempts to resolve this matter through mediation but with no success. As a result, both parties agreed to allow the Department to proceed with arbitration on the matter. The arbitration officer provided her decision by letter dated May 5, 1989. In part, the arbitrator's decision read, "accordingly, the landlord's claim succeeds in the amount of the security deposit in trust. A period of 14 days from this date will be permitted to elapse for a disbursement of the security deposit in accordance with this decision". In addition, the parties in the dispute were advised that if within this period either party submitted a written objection the decision would be reviewed and might be adjusted or confirmed.

As mentioned at the outset, our complainant's first concern was that she allegedly did not receive the decision in the mail and that she was only made aware of the arbitrator's decision when she contacted an officer within the Department several days after the time for filing an objection had passed.

In investigating this concern, we discussed with the Director of Landlord and Tenant Affairs the procedure by which arbitration decisions are mailed out to the parties involved in a dispute. We were informed that decisions are provided in writing to the respective parties through ordinary mail. We were further advised that while there is no statutory requirement to provide any further consideration beyond the decision made by the arbitrator, the Department had introduced a process to allow a review following the arbitration decision. This process provides for an additional 14 days within which either party could respond to the arbitration decision and possibly provide any additional information that may not have been made available at the time the matter was reviewed by the arbitrator.

In this case, we understand that even before the arbitration process the tenant had made contact with the Department, both by telephone and by correspondence and as well had received correspondence in return from the Department. This gave the indication that communication was successfully established between the tenant and the Department and, as a result, it was reasonable to assume that the tenant would normally have received the information forwarded to her by ordinary mail.

In reviewing the Department's file on the matter, we noted that a decision dated May 5, 1989, was mailed to the landlord and, as advised by the Department, the fact that the tenant's name appeared on the right hand side of the letter was an indication that it was mailed out to her as well at that time. The tenant's address was not shown on this letter as this is a

security procedure followed by the Department so as not to reveal the whereabouts of the tenant.

Having reviewed this matter, it would appear that it would be reasonable for the Department to assume that the tenant received correspondence mailed to her in as much as prior contacts with the Department had been successfully established. Thus, my office was unable to conclude that the Department did not mail a copy of the arbitration decision to the tenant.

The second concern of the tenant was that the decision rendered by the arbitrator was improper. In reviewing this matter, there appeared to be two factors which were of particular interest. It was noted that the arbitrator, in reviewing the claim made by the landlord for damage to the kitchen floor, had requested additional information from the originating officer and further requested an inspection of the premises. Upon inspecting the premises, the officer made certain observations about damage to the kitchen floor. The arbitrator noted the tenant's response that the damage resulted from ordinary wear and tear due to pressure from the table legs. The landlord's claim of $25.00 for damage to the kitchen floor was, however, allowed by the arbitrator with the reason that based on inspection, the damage appeared to have resulted from excessive wear and tear.

My office made further inquiries into this matter. My Investigator pointed out to the Department that the tenant vacated the premises on October 1, 1988 and that the inspection requested by the arbitrator was conducted on May 3, 1989. During this time, new tenants had already moved in and occupied the premises. My office stated that it was therefore somewhat uncertain as to whether or not the damage identified during the inspection, several months after the tenant had vacated the premises, was in fact caused by the tenant during her occupancy. However, the fact that the tenant had admitted to causing damage to the kitchen floor while in occupancy would tend to support a decision in favour of the claim sought by the landlord, with perhaps the only question being with respect to the degree of damage caused.

As we reviewed the arbitration decision further, it was noted that the arbitrator had allowed a claim of the landlord for parking fees for the month of September. We noted the tenant had provided an explanation that the amount of money withdrawn as indicated in her bank statement represented the total of her monthly rent plus the parking fees. This evidence was apparently reviewed by the arbitrator who concluded that the bank statement was insufficient evidence as proof of payment and, as a result, allowed the claim of the landlord.

During a conversation with the tenant, she informed our office that had she been made aware of the arbitration decision at the time it was reportedly mailed out by the Department, she would have been able to obtain copies of her cancelled cheques to confirm that payment was provided to the landlord for September's parking fees. However, the tenant claimed, in as much as she did not receive the arbitration decision at the time it was reportedly mailed out to her by the Department, and subsequently not being able to respond to the decision within the fourteen days required by the Department, she was essentially denied this aspect of her claim.

My office reviewed this matter further with the Department. My Investigator pointed out that the arbitrator had requested further information from the originating officer before making a decision on the damage claim to the kitchen floor and, it would appear that the arbitrator could also have requested further information about the bank statements provided by the tenant as proof of payment. My office felt that if in the opinion of the arbitrator the bank statements were insufficient proof of payment, it was somewhat inconsistent that the arbitrator did not refer this question back to the originating officer for further information.

We also stated that it would appear the onus of proof rested with the landlord to substantiate his claim and, from the information reviewed, there appeared to be no indication that the landlord had fully substantiated his claim for the September parking fees. As a result, we made it known to the Department that the arbitrator's review of the landlord's claim seemed inconsistent and, therefore, the issue as to whether or not the landlord should have been entitled to the full amount of his claim for parking fees should be further reviewed.

In responding to our observation, the Department conceded that, with the onus of proof being on the landlord, it appeared the Department did not apply a standard of proof requiring the landlord to give further evidence, especially once the bank statement was obtained from the tenant. The Department further advised that while the arbitrator had sent the

file back to the investigating unit to obtain further proof on the floor issue, no request was made for further investigation on the matter pertaining to the September parking fees. As a result, the Department adjusted the landlord's claim and provided additional remuneration to the tenant in an amount representing the difference between what the tenant would normally have been entitled to and that which she had already received.

In conclusion, although my office was unable to make a determination about the forwarding of the arbitration decision to the tenant, we were able to substantiate an error with respect to the decision itself and we were pleased with the Department's recognition and correction of that error.

89-110-221 Justice

Concerned over the ability of the Manitoba Human Rights Commission to do its job due to an eight month delay in commencing investigation of complaint.

Our office has, from time to time, received concerns from complainants to the Human Rights Commission respecting delay. Most recently, a complainant advised he had filed a complaint with the Manitoba Human Rights Commission but, more than eight months later, his file had yet to be assigned for investigation. The complainant further advised that while he felt the delay had caused him some degree of harm, he was more concerned about whether the Human Rights Commission had the staff, funding and/or the will to carry out its mandate under The Human Rights Code. The complainant said that he was instrumental in the origination of human rights legislation in Manitoba and he asked the Ombudsman to investigate whether "impediments intentional or not" were limiting the effectiveness of the Human Rights Commission.

I note that since 1985, the Commission's Annual Reports have chronicled a continuing concern over the backlog situation. This has included discussion of staff turnovers which have contributed to the backlog, of various efforts made to improve and refine administrative procedures and commentary on how resources of the day have related to the Commission's relative ability to meet its mandate. Since our receipt of this particular complaint, I note the backlog issue and the question of resources available to the Manitoba Human Rights Commission have been raised in the press and in the Legislature.

In February and November 1990, our office met with staff from the Manitoba Human Rights Commission on the issue of delay. Between these two meetings, administrative changes were instituted by Commission staff.

The administrative changes included a new process by which complaints, upon being filed, are being screened rather than awaiting future assignment to a compliance officer. In this way, where any complaint may be found to be vexatious, frivolous or obviously outside the terms of The Human Rights Code, it is now being referred directly to the Board of Commissioners for disposition. We were advised that the majority of complaints do not fall within this category, however. Most cases, after screening, are directed to the respondent for reply. Upon receipt of the respondent's version of events, there is then a second screening procedure. If, at this stage, after the reply has been reviewed with the complainant, it appears further investigation is unlikely to produce new relevant evidence, the complaint is directed to the Board of Commissioners for disposition. Only if, after the respondent's reply has been received, it appears there may have been a violation of the Code, is the file referred to the compliance section of the Commission for investigation. At this point, a file will await assignment to a compliance officer.

Files awaiting assignment are now being referred to compliance officers in chronological order, oldest first, according to the date of the filing of the complaint. Formerly, files were assigned according to "urgency" based on a policy that considered a number of factors. We were advised that now, only in very rare situations of extenuating circumstances, will a newer file be assigned before an older one.

At the time of our second 1990 meeting, the new administrative procedures had not been in effect sufficiently long to fairly assess their impact. However, more recently, about a year after the institution of the changes, our office was advised by Human Rights Commission staff of some of the apparent headway that has resulted. We were informed that, in 1990, fifty complaints were forwarded to the Board of Commissioners for disposition; under the previous procedures, these would have been set aside to await assignment to a compliance officer. We were further advised recently that the backlog (meaning the number of open files in the system), was at its lowest point in approximately four years. While this would seem to

be positive, we were advised that this reduction in numbers was due, in part, to a slight reduction in the number of complaints received by the Commission.

During the time of our investigation, and in monitoring the situation since then, there were staff vacancies at the Commission. Most recently, we were advised that these vacancies were expected to be filled soon. We understand that as of the end of 1990, there were seventy files awaiting to be assigned to compliance officers and that two key compliance positions were vacant. It was noted to us that notwithstanding the new procedural changes, without some increase in resource allocation, there will likely continue to be a certain compliance backlog indefinitely.

Manitoba can be proud of its strong human rights legislation. However, despite the commitment and best efforts of Human Rights Commission staff, the terms and intent of this legislation can only be realized with proper support. It is hoped that the resources necessary will be forthcoming.

90-110-54 Justice

Review of corrections policy re hearing aids and assessment of hearing impairment.

As a result of receiving a complaint from a hearing impaired inmate, our office undertook to review with the Justice Department the question of hearing aids and the assessment of hearing impairment at correctional institutions.

In this case, an inmate had requested a hearing aid and his request was denied. The inmate was concerned that his hearing impairment prevented him from hearing correctional staff give directions and limited his participation in mandated weekly alcohol treatment meetings. He also felt his hearing impairment made it difficult for him to interact with other inmates as they would become frustrated when he asked them to repeat their comments.

In responding to our inquiries, the correctional institution in question indicated that no written policy governed a request for a hearing aid and the institution's practice was not to cover health needs which were viewed as discretionary and nonessential. It was felt the inmate's hearing impairment did not pose a problem at the institution greater than what he encountered in daily life outside the institution.

It was our feeling, however, that hearing impairment within the confines of a correctional facility would cause problems over and above what one might normally experience in everyday life outside the institution. One can well imagine the difficulties that can ensue from an inmate not being able to communicate effectively with his/her fellow inmates due to a hearing impairment. Also, one can imagine the unnecessary charges and disciplinary boards that may occur if a correctional officer perceives an inmate's failure to respond to an order as resulting from something other than a hearing impairment, of which the officer may not even be aware. Accordingly, we pursued with the Adult Corrections Branch of the Department of Justice that we felt there should be a policy in place to address hearing impairments of inmates.

After reviewing the matter further, the Department of Justice drafted a policy to cover health needs such as dentures, eyeglasses and hearing aids. The policy, among other things, provided that a reasonable request by an offender for dentures, eye glasses or hearing aids would be referred to the appropriate health care professional. Our office welcomed this change in attitude which reflected that the Department of Justice now recognized the effect a hearing impairment could have on an inmate's physical and social well-being. Being satisfied with the action taken by the Department to resolve this issue, we closed our file.

90-170-3 Manitoba Telephone System

Feels Manitoba Telephone System should have further involvement regarding damage to kitchen floor due to telephone relocation.

In April 1990, I received a complaint from an individual who claimed that when a worker from the Manitoba Telephone System (MTS) came to relocate a telephone, a hole was mistakenly drilled through the floor in the wrong location. The complainant advised that the cooperation put forth by the MTS to repair the damaged floor was excellent, but concerns remained. He particularly noted that the repaired area was still soft and could be damaged again. He stated that in talking with the MTS, they advised the Corporation was free of any further involvement and suggested he discuss the matter with the company that had done the repair job. Our complainant did not feel this was appropriate. He felt the MTS had caused

the problem, and thus had a responsibility to ensure the repair job was satisfactory.

Our office made inquiries and discussed the situation with the appropriate personnel at the MTS. From our review, it would appear that the following situation occurred. A MTS installer went into the complainant's basement to drill a hole for a telephone wire and drilled in the wrong location. The installer was aware that he had miscalculated the distance and stopped drilling immediately but by this time had nicked the surface of the flooring from the underside with his drill bit. The MTS sent staff out to assess the damage and made arrangements to have the company that did the original flooring installation repair the damage. Following the completion of the repairs, it was the feeling of the complainant as well as the MTS that the repair job was not satisfactory. Arrangements were made for another company to complete the repair work. Once this was completed the complainant indicated satisfaction with the cosmetic repair job, however, was still concerned that the repaired area was a weak spot in the floor. It was his feeling that the area could be more easily damaged particularly if a shoe heel penetrated that particular spot. The MTS made arrangements for a carpenter to repair the hole from the basement area by inserting a glued piece of wooden dowel into the hole, reinforcing this glued wooden dowel with a wooden brace nailed to the floor. Once this was completed the MTS advised the complainant they were satisfied with the repair job. The complainant however, was still concerned and contacted our office.

When our office advised the MTS of the continued concern of the complainant, the MTS contacted the Service Manager of the company responsible for the repairs. Further inquiries were made and the company informed the MTS that the manufacturer does not warranty the vinyl against punctures from high heels under any circumstances because of the weight per square inch distributed in this procedure. The MTS advised our office of this information and indicated that if problems occurred in the future, they would be prepared to review the matter.

Given the information provided, our office concluded that the actions and decisions of the MTS were fair and reasonable in dealing with the complainant's concerns. We reported back to the complainant and our file on this matter was concluded as NOT SUPPORTED.

I note that by investigating this concern, we were able to clarify for the complainant the specifics of the repairs that had been done. We reassured the complainant that the MTS was prepared to continue providing reasonable customer service as necessary and indicated that should problems occur in the future, the MTS was prepared to discuss the matter further. The complainant was also advised that if he experiences any further problems which cannot be resolved directly with the Corporation, he should feel free to contact us again.

90-170-8 Manitoba Telephone System

Alleges that telephone service is about to be unfairly disconnected.

On contacting our office, the complainant advised that in 1989, he had purchased a business and that, at the time of purchase, it had been agreed that the previous owner would be responsible for payment of all telephone services prior to the change in ownership. The complainant stated however that the Manitoba Telephone System (MTS) was now requiring payment from him for services rendered while the previous owner had had the business. Our complainant had attempted to rectify the problem on his own, but to no avail. He stated that the MTS had threatened to disconnect his service if payment was not immediately received.

In response to the complainant's concerns, we contacted the MTS and after discussions, were given assurances that the telephone service would not be disconnected until our investigation was completed.

In a subsequent interview, the complainant stated that in December 1989, he had purchased a business and that, at that time, an agreement had been arrived at between the previous owner and himself with respect to the telephone service. He stated they had signed a Manitoba Telephone System transfer of service agreement which detailed the costs he would be responsible for relating to both the service and the yellow pages advertising costs. The complainant advised that sometime later, the MTS informed him the advertising cost listed on their transfer of service agreement was in fact a monthly charge and not a one time only charge as the document had led him to believe.

The complainant advised that when he had purchased the business, he was not interested in the

yellow pages advertising as he would not be providing all the services listed, but rather, he had purchased the business name and had wanted the existing telephone number for the sake of continuity. He indicated the yellow pages advertising was kept because the cost listed on the agreement was reasonable. He believed the amount listed was a one time only charge and not a monthly charge. He stated that had he known about the total cost for the yellow pages advertising, he would not have paid this sum as he did not need the advertising and was of the opinion the additional cost was not warranted. He advised that at the time of purchase, he would have taken out a new telephone number without any yellow pages advertising and would have taken other appropriate measures to make known to the client base, his involvement in the business. This he stated could have been done at the time with the help of the previous owner, but was no longer a possibility as this individual no longer resided in Manitoba.

The complainant advised that by the time he was notified by the MTS that he was responsible to pay approximately six times more then what he had expected to pay for the yellow pages advertising, it was too late for him to cancel the advertisement as this would necessitate a change in telephone numbers. He indicated such a change would seriously affect his livelihood.

The complainant advised he had appealed MTS's decision to the Public Utilities Board but that the Board had supported the MTS's position. It was noted that the Public Utilities Board had acknowledged that the MTS transfer of service agreement document was "less than clear as to the remaining obligations of the subscriber in a transfer situation." The Board however believed the complainant should remain responsible for the yellow pages advertisement as it felt he was receiving a benefit from the existing advertisement.

In our review of this matter, we agreed with the complainant that the transfer of service agreement document was not clear in disclosing the full financial responsibilities of the complainant. Subsequent to this complaint, we noted that the MTS did change the document to more clearly identify an individual's contractual obligations.

A meeting was held between MTS officials, the Deputy Ombudsman and our Investigator. The MTS maintained its position that, in their opinion, the complainant was aware of all the charges. They stated he had been told, at the time of signing, that the charges were monthly. It was also their opinion that he had received a benefit from the advertising. We advised the MTS that, in our opinion, while we understood it was MTS policy to verbally advise new customers of all charges, we had been unable to determine whether the MTS had in fact advised this individual that the charges were monthly. We indicated we were of the opinion that the document signed by the complainant was not as clear as it could have been, relative to the total costs for which an individual was to be held responsible. We also advised the MTS that after consulting with the complainant and understanding the nature of his business, we accepted the complainant's position that the yellow pages advertising was of little benefit to him and that his main purpose for keeping the telephone number was to ensure a continuity of telephone service for his out-of-province clients and not to gain new clients through the yellow pages advertising.

We asked the MTS to reconsider its position. MTS officials indicated that while they had not necessarily changed their opinion, they were willing to accept 50% of the responsibility in this matter. This was accepted by the complainant and the matter was resolved amicably.

88-360-3 Natural Resources

Feels decision of Department to evict individual from Crown land is unfair.

An individual contacted our office complaining that he felt it was unfair the Department of Natural Resources had asked him to relocate from the Crown land he was occupying. He had just been notified by letter that, if he did not move, eviction proceedings would be undertaken within thirty days. The complainant understood he was being asked to leave the property because his local community council proposed to build a seniors' home on the site. He felt this was unjust as, he said, there was other, unoccupied, Crown land in the community which might be used for that purpose.

The complainant informed our office he had "purchased" the lot about four years earlier from a person who had represented himself as the lawful owner. The complainant had subsequently built a house on the land. Unfortunately, the land which he had "purchased" and upon which he had built was not privately owned land but was in fact Crown land. Apparently, the complainant requested a permit for the land to legitimize his tenure. However, this was

not acceptable to the Department of Northern Affairs which, under The Northern Affairs Act, must approve the allocation of Crown land.

Although the complaint had been made against the Department of Natural Resources, our review involved contact with the Department of Northern Affairs for two reasons. With respect to the eviction notice, the Department of Natural Resources was simply acting as the agent for the Department of Northern Affairs. Further, with respect to the particular community council involved in the matter, we learned that it was indirectly responsible to the Minister of Northern Affairs under The Northern Affairs Act.

We were advised by the Department of Northern Affairs that the complainant had been informed by the community council, over two years earlier, that the land in question had been designated as a site for a seniors' home. It was also noted that, in the meantime, the complainant had applied to the community council for other Crown land for residential use and this had been approved. Nonetheless, the complainant, we were told, would not relocate.

It was further the Department's position that it was its aim to encourage local decision making by community councils and that it gave its full support to this council's decision. The Department said it understood the land in question was conveniently located in the same vicinity where seniors were already living and it was felt the familiarity with the area would help them readjust with their new surroundings.

We advised the complainant of the Department's position. In response, he reiterated that it was unfair he was being asked to relocate as there was uninhabited Crown land in the immediate vicinity of where the community council intended to build the seniors' home.

Our office again contacted the Department of Northern Affairs. We indicated we were not aware whether the community council had given consideration to other suitable lots for the seniors' home. We further stated it would not seem to be unreasonable to expect that other possibilities would be explored to determine whether it was indeed necessary for the complainant to move his home.

We are very pleased to note that the community council reviewed the situation and changed its position. The council approved the lot where the complainant was currently living as a lot for residential purposes. Further, the council decided to reserve the lot, previously intended for the complainant's relocation, for the proposed seniors' home.

The community council's decision, assisted by the Department of Northern Affairs, appeared to result in a mutually agreeable solution for all involved.

89-410-77 Workers Compensation Board

Worker alleges unfair Medical Review Panel.

Our office was approached by an injured worker who felt that the composition of a Medical Review Panel and the procedure followed by the Panel was improper.

Our complainant had been receiving compensation benefits which were terminated. He appealed the termination of his benefits to the Review Committee and then to the Board of Commissioners. The Board of Commissioners, after hearing his case, directed that a Medical Review Panel be held.

A Medical Review Panel is composed of a physician appointed by the Minister Responsible for Workers Compensation, a physician selected by the injured worker, and a physician chosen by the employer. The Minister's appointee acts as chairperson of the panel.

Our complainant was concerned that the employer's representative on the panel was a physician who had attended him when his claim for benefits was being decided. He felt this prior relationship did not allow the physician to be objective when sitting on the Medical Review Panel.

In making inquiries with the Workers Compensation Board, we were advised the employer did not wish to make a selection to the Medical Review Panel and accordingly, the Coordinator setting up the Panel, picked a representative by referring to the Manitoba Medical Association list. We were advised the Coordinator commenced consideration of the list in alphabetical order and the physician in question was the first available physician. The Coordinator recalled that she did advise our complainant of all the panelists' names, including the physician which our complainant now felt was an inappropriate panel member. The Coordinator felt that if the complainant had expressed dissatisfaction prior to the Medical Review Panel, she would have agreed to select a new representative.

Our complainant also felt that certain medical reports presented to the Board of Commissioners at his hearing were not provided to the Medical Review Panel prior to the Panel's decision being made. Therefore, he did not feel the Panel had all relevant information on which to make its decision. Our review confirmed the complainant's contention that the medical reports in question had not been referred to the Medical Review Panel, but rather, these reports were placed in error on the correspondence section of our complainant's file.

When this situation was brought to the attention of the Board of Commissioners they issued a decision that these medical reports be forwarded to the Medical Review Panel and the Panel be requested to consider the reports and render its opinion based on all the medical information on file. The Board of Commissioners considered that it was fair and just that the Panel be requested to review the material and indicate to the Board whether or not the material provided any information which would affect the previously stated opinion of the Panel.

Following this review by the Medical Review Panel, the response was that no additional information had been presented and the Panel's decision remained the same.

When our office reviewed the procedure which had been followed after the Board realized an error had been made, we were not satisfied that the steps taken resolved the issue. We were of the opinion that because all medical reports had not been before the Medical Review Panel when their initial decision was being made, our complainant had not been given the opportunity to have a hearing with a clear perception of fairness. To have that same Panel subsequently review the omitted material and confirm its original decision certainly did not enhance the perception of fairness. Accordingly, we recommended that a new Medical Review Panel be constituted. Our recommendation was accepted and our complainant received a new Medical Review Panel.

This case had also raised some concerns regarding the constitution of Medical Review Panels. We have since been advised that legislative changes have addressed our complainant's initial concern that a physician who had prior knowledge of his case had been chosen as the employer's representative. We note that The Workers Compensation Act now does not allow a physician who has examined or treated an injured worker, examined workers on behalf of the employer, or acted as a consultant in the treatment of the worker, to be selected to a Medical Review Panel addressing an injured worker's compensation case.

90-410-7 Workers Compensation Board

Seeking assistance regarding recent compensation claim for accident which allegedly happened in 1951.

In the last two years my office has seen complaints about the Workers Compensation Board (WCB) more than double. In reviewing the various types of complaints my office has received, I note the issue of delay has for some time been of particular concern. The following is an example of one such delay.

In February 1990, I received a letter from an individual who was seeking assistance regarding his claim for compensation benefits for an accident which apparently happened in 1951.

In his letter the worker advised that the first time he contacted the Board about the accident was in July 1988. Since contacting the Board, he indicated he was having difficulties getting information with respect to his claim. The worker explained that he did not report the accident initially as he was new to Canada at that time and, as a landed immigrant, was unaware of the process for filing a claim for compensation benefits.

Although one can appreciate the difficulties associated with the processing of a thirty-nine year old WCB claim, which was reported two years ago, my office contacted the Board in order to ascertain the status of the worker's claim for benefits.

The Board indicated that attempts were made to obtain information from the hospital where the worker had been treated originally. However, the Board advised that the facility could find no record of treatment. As well, the WCB also attempted to obtain medical reports from the physician who treated the worker. This too was unsuccessful as the Board was informed that the doctor's records had been retained for eight years and had subsequently been destroyed. The WCB advised that the worker had been informed by telephone in February that as no medical information to support the continued disability was available, they were unable to consider the matter further and a formal written decision by the Board would be sent to the worker.

I will point out that this information was provided to my office in early March. We understand that the injured worker, upon receipt of this primary level

decision, could appeal the matter further within the process provided for by the Board.

However, we later learned that the worker did not receive this written decision until July, some five months after being notified verbally of the unacceptability of his claim. Accordingly, further inquiries were made with respect to this delay. In response to the concerns presented, the Board advised that they were unable to offer any explanation for the delay but indicated that steps had been taken with the adjudicator to ensure that this would not happen again. Further, the Board stated that in this case, they found the delay unacceptable.

In our report to the worker, we advised that our review of his claim indicated that the Board had taken reasonable steps to obtain information about his accident and medical treatment. However, regarding the delay issue, there was no doubt that he experienced an excessive delay in receiving the Board's formal written decision.

We closed our file on the matter indicating to the worker that it appeared the Board recognized that there was a problem and that they had taken appropriate action to ensure this type of situation would not happen again.

While I acknowledge the recent efforts of the WCB to improve the level of service provided to claimants, I would encourage continued emphasis in this regard so as to provide injured workers of Manitoba with the most effective program possible.

Complete List of Complaints

Agriculture - 12

90-100-0001	Dispute over compensation for hay destroyed by geese in wildlife management area.	Pending
90-100-0002	Individual alleges irregularities with the processing of his loan application by Manitoba Agricultural Credit Corporation.	Pending
90-100-0003	Alleging inappropriate action by Veterinary Services Branch re dispute over payment for boarding of animals.	Pending
90-100-0004	Alleging unfair allocation of agricultural crown land.	Pending
90-100-0005	Feels Manitoba Crop Insurance Corporation has unfairly reduced crop coverage because of flooding problem over which he has no control.	Discontinued (Client)
90-100-0006	Feels Veterinary Medical Board did not conduct a thorough investigation of complaint.	Pending
90-100-0008	Concerns regarding handling of crop insurance application.	Discontinued (Ombudsman)
90-100-0009	Dispute around the sale of property from government agency.	Pending
90-100-0010	Alleges unfair process for assessing the allocation of agricultural crown lands.	Pending
90-100-0011	Dissatisfied with decision on allocation of Crown land.	Pending
90-100-0012	Farmer unhappy with decision disallowing participation in Interest Assistance Program.	Pending

Ministry of Justice - 224

90-110-0001	Headingley Correctional Institution inmate wishes to be allowed to purchase motorized tricycle.	Discontinued (Client)
90-110-0002	The Pas Correctional Institution inmate alleges being prevented from setting up an Inmates' Committee.	Discontinued (Client)
90-110-0003	Provincial Remand Centre inmate feels it is unfair for Legal Aid not to transfer his case to another Legal Aid lawyer.	Not Supported
90-110-0004	Headingley Correctional Institution inmate alleges correctional officers are threatening denial of telephone privileges and placement in the "hole" for contacting the Ombudsman.	Discontinued (Client)
90-110-0005	Headingley Correctional Institution inmate alleges unfair decision re application for early release.	Information Supplied
90-110-0006	Provincial Remand Centre expressing concern re gym schedule, stolen personal property and time allowed for breakfast.	Resolved

90-110-0007	Objecting to Manitoba Human Rights Commission's decision not to pursue his complaint of harassment at his workplace.	Not Supported
90-110-0008	Provincial Remand inmate alleges being physically assaulted, unfairly treated and denied telephone calls to lawyer, Ombudsman, and doctor.	Discontinued (Client)
90-110-0009	Provincial Remand Centre feels institution canteen's price for cigarette making machine is too high.	Not Supported
90-110-0010	Concerned over lien allegedly placed against house by Maintenance Enforcement.	Not Supported
90-110-0011	Provincial Remand Centre inmate seeks clarification on request for cigarettes and writing paper.	Assistance Rendered
90-110-0012	Feel legal aid lawyer has not effectively pursued their concerns.	Discontinued (Client)
90-110-0013	Provincial Remand Centre inmate alleges that superintendent not responding to his requests concerning incident involving destruction of false teeth.	Pending
90-110-0014	Headingley Correctional Institution inmate objecting to loss of privileges re use of sports field.	Not Supported
90-110-0015	Headingley Correctional Institution inmate alleged his requests for telephone privileges were being ignored.	Not Supported
90-110-0016	Alleges Legal Aid has placed caveat against property and wants it removed.	Information Supplied
90-110-0017	Alleges delay by Manitoba Human Rights Commission in the handling of his complaint.	Resolved
90-110-0018	Concern over eligibility for Legal Aid assistance.	Information Supplied
90-110-0019	Difficulties resulting from the enforcement of court ordered maintenance payments.	Information Supplied
90-110-0020	Brandon Correctional Institution inmate alleges unfair denial of request to attend funeral.	Resolved
90-110-0021	Alleged denial of legal assistance by Legal Aid.	Not Supported
90-110-0022	Milner Ridge Correctional Centre inmate alleges unfair treatment by Discipline Board.	Pending
90-110-0023	Provincial Remand Centre inmate alleging unfair curtailing of gym time.	Pending
90-110-0024	Headingley Correctional Institution inmate complaint about conditions at work camp.	Pending
90-110-0025	Review of Manitoba Human Rights Commission's refusal to investigate complaint.	Information Supplied
90-110-0026	Seeking clarification in denial of Legal Aid.	Assistance Rendered

90-110-0027	Monitor inquest.	Pending
90-110-0028	Headingley Correctional Institution inmate alleges that his telephone privileges are being denied and requests a transfer to a different Institution.	Pending
90-110-0029	Maintenance Enforcement concern.	Information Supplied
90-110-0030	Brandon Correctional Institution inmate questions the hiring practices of the inmate employment program at the Institution and the handling of request to the superintendent.	Resolved
90-110-0031	Brandon Correctional Institution inmate alleging unfair disciplinary action resulting from fight with another inmate.	Not Supported
90-110-0032	Monitor investigation re: alleged guard brutality.	Pending
90-110-0033	Portage La Prairie Correctional Institution inmates complaining about conditions at the Institution.	Pending
90-110-0034	Problem obtaining refund allegedly due from Maintenance Enforcement Branch.	Not Supported
90-110-0035	Headingley Correctional Institution inmate alleging inadequate medical attention.	Not Supported
90-110-0036	Denial of Legal Aid.	Discontinued (Ombudsman)
90-110-0037	Alleging account under Maintenance Enforcement Program not handled properly.	Not Supported
90-110-0038	Residents of Agassiz Youth Centre expressing concern about changes in the school program.	Resolved
90-110-0039	Milner Ridge Correctional Centre inmate objecting to refusal of temporary absence pass.	Not Supported
90-110-0040	Dissatisfied with Manitoba Human Rights Commission's handling of complaint.	Declined
90-110-0041	Portage Correctional Institution inmate alleges that she was treated unfairly by the Institution.	Pending
90-110-0042	Portage Correctional Institution inmate alleges that the residents are being treated unfairly by being subjected to too frequent lock downs.	Pending
90-110-0043	Portage Correctional Institution inmate allegedly denied access to Ombudsman and request to take a correspondence course.	Pending
90-110-0044	Disagrees with advice of Legal Aid lawyer.	Information Supplied
90-110-0045	Concerns relative to visiting boyfriend at the Headingley Correctional Institution.	Pending
90-110-0046	Headingley Correctional Institution inmate feels he should be allowed to withdraw fifty dollars from his spending account to provide financial assistance to his girlfriend.	Resolved

90-110-0047	Headingley Correctional Institution inmate alleges he was unfairly denied a work temporary absence.	Pending
90-110-0048	Objects to Board's decision not to grant legal aid.	Not Supported
90-110-0049	Alleging unfair treatment by Legal Aid Manitoba.	Not Supported
90-110-0050	Brandon Correctional Institution inmate raises concerns with the adequacy of medical attention provided by the Institution.	Not Supported
90-110-0051	Milner Ridge Correctional Centre inmate seeking temporary absence to attend funeral.	Not Supported
90-110-0052	Milner Ridge Correctional Centre inmate feels he should be granted parole or pre-release.	Resolved
90-110-0053	Alleges unfair handling of complaint by Manitoba Human Rights Commission.	Pending
90-110-0054	Review of corrections policy re: hearing aids and assessment of hearing impairment.	Resolved
90-110-0056	Headingley Correctional Institution inmate unhappy with decision to not grant early release.	Resolved
90-110-0057	Headingley Correctional Institution inmate raises concerns about medical treatment provided by the Institution.	Information Supplied
90-110-0058	Seeking advice re access to file at Public Trustee's office.	Information Supplied
90-110-0059	Difficulty obtaining land title.	Assistance Rendered
90-110-0060	Alleges improper handling of estate by the Public Trustee.	Pending
90-110-0061	Headingley Correctional Institution inmate alleges unfair processing of application for pre-release.	Not Supported
90-110-0062	Provincial Remand Centre inmate raises concerns about medical assistance and allegedly being disturbed from sleep by officers on duty.	Pending
90-110-0063	The Pas Correctional Institution inmate alleges medication is not being given to him as prescribed by the doctor.	Resolved
90-110-0064	Portage Correctional Institution inmate seeking advice re employment.	Resolved
90-110-0067	Headingley Correctional Institution inmate alleging unfair seizure of handcraft made by him.	Pending
90-110-0068	Concerned over delay by Manitoba Human Rights Commission re: investigation of complaint.	Pending
90-110-0069	Complainant suffering financial loss due to having to look after affairs of mentally incompetent person.	Pending

90-110-0070	Provincial Remand Centre inmate complaining about poor ventilation and the ventilation system not working.	Information Supplied
90-110-0071	Denial of a Legal Aid Certificate.	Information Supplied
90-110-0072	Individual unhappy with the medical attention provided to him while incarcerated at Headingley Correctional Institution.	Pending
90-110-0073	Milner Ridge Correctional Centre inmate raises concerns regarding internal charges laid against him by the Institution.	Resolved
90-110-0074	Provincial Remand Centre inmate expressed concerns about shower facilities at the Institution.	Resolved
90-110-0075	Complainant feels he's being harassed by Maintenance Enforcement Branch.	Discontinued (Client)
90-110-0076	Residents of Agassiz Youth Centre unhappy because Centre will not rent movies for group viewing.	Resolved
90-110-0077	Alleges improper handling of complaint by Manitoba Human Rights Commission.	Pending
90-110-0078	Headingley Correctional Institution inmate feels temporary absence was unfairly denied.	Not Supported
90-110-0079	Headingley Correctional Institution inmate questions reasons for inability to be transferred to annex.	Resolved
90-110-0080	Headingley Correctional Institution inmate alleging that he has been unfairly moved due to false accusations by correctional officers.	Not Supported
90-110-0081	Alleging unfair treatment by probation officers re matter of appealing sentence.	Not Supported
90-110-0082	Youth alleging unfair censorship of music and T-shirts by Agassiz Youth Centre.	Not Supported
90-110-0083	Headingley Correctional Institution inmate feels date of temporary absence pass has been unfairly changed.	Not Supported
90-110-0084	Individual alleges that she has not received her last three weekly cheques from the Office of the Public Trustee.	Not Supported
90-110-0085	Inmate complaining of water problems at the Provincial Remand Centre.	Resolved
90-110-0086	Headingley Correctional Institution inmate alleges inadequate medical treatment.	Information Supplied
90-110-0087	Alleges unfair treatment of inmate at Portage Correctional Institution, and unfair position taken by Institution re use of washroom by visitors.	Not Supported

90-110-0088	Monitor investigation regarding use of excessive force by Headingley Correctional Institution officers.	Discontinued (Ombudsman)
90-110-0089	Provincial Remand Centre inmate alleging inadequate medical attention.	Information Supplied
90-110-0090	Various concerns involving Legal Aid, police and court matters, and access to information fees.	Information Supplied
90-110-0091	Alleges that Legal Aid Manitoba is treating her unfairly by not allowing her to replace lawyer who reportedly no longer wants her case.	Not Supported
90-110-0092	Objecting to amount of family maintenance he has to pay.	Information Supplied
90-110-0093	Feels that complainants who contact the Human Rights Commission should be allowed, following investigation of their complaint, to have a full hearing by the Board of Commissioners.	Information Supplied
90-110-0094	Headingley Correctional Institution inmate alleges unfair treatment by correctional officer, and expresses other concerns.	Information Supplied
90-110-0095	Youth requesting information on status of missing property.	Resolved
90-110-0096	Alleges unfair denial of Legal Aid.	Information Supplied
90-110-0097	Alleging that someone from Public Trustee's office entering his apartment without his permission.	Discontinued (Client)
90-110-0098	Concern over missing items while in custody at the Provincial Remand Centre.	Pending
90-110-0099	Concern over inability to contact youth in custody at Manitoba Youth Centre.	Information Supplied
90-110-0100	Alleges negligence and poor attitude by Public Trustee Officer in handling estate.	Resolved
90-110-0101	Review of Manitoba Youth Centre Program.	Resolved
90-110-0102	Headingley Correctional Institution inmate alleges unfair treatment regarding use of the telephone and a request for transfer to a different Institution.	Not Supported
90-110-0103	Youth at Agassiz Youth Centre alleges unfair denial of optometrist services.	Resolved
90-110-0104	Alleges financial loss due to department's failure to remove lien it had placed against his house.	Discontinued (Ombudsman)
90-110-0105	Brandon Correctional Institution inmate alleges inadequate medical treatment for loss of hearing in right ear.	Pending
90-110-0106	Complaining about time delay by Manitoba Human Rights Commission in investigating complaint.	Pending

90-110-0107	Alleges unfair confiscation of sweetgrass from youth in Manitoba Youth Centre.	Resolved
90-110-0108	Unhappy with response from Legal Aid official re her request for assistance.	Not Supported
90-110-0109	Concerns re handling of her affairs by the Office of the Public Trustee.	Not Supported
90-110-0110	Denial of Legal Aid.	Not Supported
90-110-0111	Headingley Correctional Institution inmate concerned over alleged "racist" comment made by staff.	Resolved
90-110-0112	Brandon Correctional Institution inmate alleges inadequate medical treatment.	Resolved
90-110-0113	Brandon Correctional Institution inmate feels he was subject to unfair discipline.	Resolved
90-110-0114	Spouse of Brandon Correctional Institution inmate is concerned re allergy to institutional clothing.	Resolved
90-110-0115	Headingley Correctional Institution inmate expressing concern over media access to religious ceremony.	Resolved
90-110-0116	Monitoring of general issues relating to Youth Corrections/Mental Health/Child and Family Services.	Pending
90-110-0117	Difficulty obtaining, from Manitoba Human Rights Commission, accessible information for print-handicapped people.	Discontinued (Ombudsman)
90-110-0118	Alleges unfair processing of application for employment.	Pending
90-110-0119	Alleges Manitoba Human Rights Commission did not properly handle complaint.	Pending
90-110-0120	Brandon Correctional Institution inmate allegedly having difficulty getting information in his file corrected.	Resolved
90-110-0121	Provincial Remand Centre inmate alleging unfair treatment at Centre.	Not Supported
90-110-0122	Provincial Remand Centre inmate alleges assault by correctional officers, and expresses other concerns re facilities and treatment.	Information Supplied
90-110-0123	Provincial Remand Centre inmate alleging improper removal of monies from his account.	Pending
90-110-0124	Provincial Remand Centre inmate alleging unfair treatment re segregation lock-up.	Not Supported
90-110-0125	Alleges unfair treatment by Legal Aid Manitoba re account owing.	Discontinued (Client)
90-110-0126	Headingley Correctional Institution inmate requesting assistance to obtain psychiatric help.	Resolved

90-110-0127	Portage Correctional Institution inmate alleges unfair decision disallowing her common law husband from being present at her parole board hearing.	Not Supported
90-110-0128	Headingley Correctional Institution inmate alleging unfair and discriminatory treatment.	Not Supported
90-110-0129	Headingley Correctional Institution inmate feels institution should allow fellow inmate to transfer money to his account.	Resolved
90-110-0130	Alleges inadequate medical care being provided to inmates at Milner Ridge Correctional Centre; also insufficient food portions.	Discontinued (Client)
90-110-0131	Brandon Correctional Institution inmate alleging unfair confinement to segregation unit and lack of proper procedure re scheduling of Disciplinary Board Hearing.	Not Supported
90-110-0132	Alleges inadequate medical care at Milner Ridge Correctional Centre.	Pending
90-110-0133	Brandon Correctional Institution inmate alleges his requests to the Superintendent regarding his status in administrative segregation are ignored.	Resolved
90-110-0134	Feels Department wrongfully proceeded with charges and therefore should reimburse legal costs.	Pending
90-110-0135	Alleges unfair and discriminatory treatment with respect to temporary absence passes from Agassiz Youth Centre.	Not Supported
90-110-0136	Brandon Correctional Institution inmate feels he was unfairly denied temporary absence pass from Headingley Correctional Institution and that the denial resulted in lost wages.	Not Supported
90-110-0137	Headingley Correctional Institution inmate complaining about difficulties accessing specialists for health ailments.	Discontinued (Ombudsman)
90-110-0138	Headingley Correctional Institution inmate alleges unfair placement in segregation.	Resolved
90-110-0139	Unhappy with decision of Legal Aid to deny assistance and alleged that he was treated unfairly.	Not Supported
90-110-0140	Headingley Correctional Institution inmate alleges unfair decision by Disciplinary Board.	Not Supported
90-110-0141	Portage Correctional Institution inmate alleges unfair cancellation of privileges, and also expressing concern that her letter to the Ombudsman may not have been mailed.	Resolved
90-110-0142	Provincial Remand Centre inmate expressing concerns about overcrowding of inmates.	Pending

90-110-0143	Claims she did not receive monies pursuant to a Court Order in her favour.	Not Supported
90-110-0144	Headingley Correctional Institution inmate alleges cruel and inhumane treatment by correctional officers.	Pending
90-110-0145	Monitor Inquest.	Pending
90-110-0146	Brandon Correctional Institution inmate alleges he was unfairly placed in segregation without explanation.	Resolved
90-110-0147	Provincial Remand Centre inmate alleges unfair treatment and harassment by correctional officers.	Not Supported
90-110-0148	Headingley Correctional Institution inmate concerned about disciplinary action and loss of remission time.	Not Supported
90-110-0149	Allegations of physical assault of Agassiz Youth Centre resident.	Resolved
90-110-0150	Allegations of unnecessary force by staff in Agassiz Youth Centre.	Discontinued (Client)
90-110-0151	General issues re: rules and regulations at Agassiz Youth Centre.	Resolved
90-110-0152	Milner Ridge Correctional Centre inmate complaining about the institution's food.	Pending
90-110-0153	Provincial Remand Centre inmate concerned over conduct of investigation into alleged sexual misbehavior.	Pending
90-110-0154	Headingley Correctional Institution inmate has unspecified concern.	Discontinued (Client)
90-110-0155	Monitoring implementation of inquest recommendation.	Pending
90-110-0156	Headingley Correctional Institution inmate requests transfer to another block.	Resolved
90-110-0157	Headingley Correctional Institution inmate alleges unfair treatment.	Not Supported
90-110-0158	Provincial Remand Centre inmate complaining about lack of hygiene products, wearing of name tags by correctional officers, etc.	Pending
90-110-0159	Headingley Correctional Institution inmate objects to refusal to allow outside dental treatment.	Not Supported
90-110-0160	Inmate at the Provincial Remand Centre requesting a change of clothes.	Resolved
90-110-0161	Concerns over treatment of wards by the Public Trustee.	Not Supported
90-110-0162	Alleges unfair policy by Legal Aid Manitoba re payment of lawyer on legal aid certificate.	Discontinued (Client)

90-110-0163	Headingley Correctional Institution inmate alleging unfair treatment re placement in protective custody.	Not Supported
90-110-0164	Headingley Correctional Institution inmate in medical unit seeking transfer to general population.	Not Supported
90-110-0165	Portage Correctional Centre inmate expressing concern over medical treatment.	Not Supported
90-110-0166	Milner Ridge Correctional Centre inmate is concerned over medical treatment.	Pending
90-110-0167	Provincial Remand Centre inmate alleges overcrowding in section housing female inmates.	Partially Resolved
90-110-0168	The Pas Correctional Institution inmate expressing concerns re transfer, optometrist appointment, parole application, location in general population, etc.	Resolved
90-110-0169	Employee alleges unfair decision by employer to withhold one week's pay.	Pending
90-110-0170	Brandon Correctional Institution inmate expressing several concerns about conditions and treatment at institution.	Pending
90-110-0171	Provincial Remand Centre inmate alleging unfair denial of medication prescribed by her doctor.	Partially Resolved
90-110-0172	Dauphin Correctional Institution inmate feels he is being unfairly held in remand section.	Not Supported
90-110-0174	Several concerns expressed by inmates re their care at Portage Correctional Institution.	Pending
90-110-0175	Brandon Correctional Institution inmate alleging cruel and unfair treatment.	Not Supported
90-110-0176	Alleges improper notice of garnishment.	Resolved
90-110-0177	Headingley Correctional Institution inmate seeking clarification re change of classification concerning his security status.	Not Supported
90-110-0178	Resident of Agassiz Youth Centre feels unfairly denied access to private bank account.	Not Supported
90-110-0179	Alleges that Public Trustee's office has changed its policy to no longer allow her to shop for clothing for her mother, a ward of the Public Trustee.	Not Supported
90-110-0180	Inmate at Provincial Remand Centre alleging that his request for medical services is not being passed on by correctional officers.	Resolved
90-110-0181	Provincial Remand Centre inmate complaining about overcrowded conditions.	Pending
90-110-0182	Inmates expressing concerns on behalf of Portage Correctional Institution inmate.	Discontinued (Ombudsman)

90-110-0183	Individual requesting investigation of Public Prosecutions Division.	Declined
90-110-0184	Provincial Remand Centre inmates alleging abusive treatment of inmates and abuse of power by correctional officers.	Pending
90-110-0185	Brandon Correctional Institution inmate alleges harassment and unfair treatment.	Discontinued (Client)
90-110-0186	Brandon Correctional Institution inmate, currently at Provincial Remand Centre, seeking transfer back to Brandon.	Resolved
90-110-0187	Concerned that her father, a Provincial Remand Centre inmate, receive necessary medication.	Resolved
90-110-0188	Headingley Correctional Institution inmate expressing concerns about shower facilities heating system and medical requests, and upgrading his education.	Discontinued (Client)
90-110-0189	Provincial Remand Centre inmate alleging unfair treatment because of not being allowed to bring running shoes into the institution.	Not Supported
90-110-0190	Alleges inappropriate action by Public Trustee's office re keeping him informed about the care of his foster mother, and the handling of her estate.	Pending
90-110-0191	Headingley Correctional Institution inmate alleges he was unfairly charged and disciplined re the break and entry of a locker.	Not Supported
90-110-0192	Brandon Correctional Institution inmate requesting assistance re work pass, financial assistance and access to institutional directives.	Not Supported
90-110-0193	Requesting assistance to speed up process to obtain medical examiner's report.	Pending
90-110-0194	Headingley Correctional Institution inmate alleging unfair treatment.	Pending
90-110-0195	Complaining about denial of Legal Aid.	Pending
90-110-0196	Objecting to decision denying Legal Aid.	Pending
90-110-0197	Alleges lawyer unable to get authorization from Legal Aid Manitoba for payment to cardiologist for consultation re psychiatric patient.	Not Supported
90-110-0198	Alleges inappropriate action by crown attorney.	Pending
90-110-0199	Feels more effort could be made to enforce maintenance order.	Pending
90-110-0200	The Pas Correctional Institution inmate alleges unfair denial of outside exercise.	Resolved

90-110-0201	Youth in Manitoba Youth Centre objects to policy of "no smoking" within the Institution, and the policy limiting the number of cigarettes allowed per day.	Information Supplied
90-110-0202	Resident at Agassiz Youth Centre complaining about actions of staff members.	Discontinued (Client)
90-110-0203	Resident at Agassiz Youth Centre alleging harassment by two staff members.	Discontinued (Client)
90-110-0204	Provincial Remand Centre inmate alleging difficulty obtaining required medication.	Assistance Rendered
90-110-0205	Headingley Correctional Institution inmate alleging unfair removal of his medication; also expressing wish to be placed in solitary confinement.	Pending
90-110-0206	Alleges Law Enforcement Review Agency unfairly dismissed his complaint against the police.	Pending
90-110-0207	Questioning decision of Legal Aid Manitoba not to pursue private court action.	Information Supplied
90-110-0208	Unhappy with the Manitoba Human Rights Commission's decision dismissing his complaint.	Pending
90-110-0209	Feels trust officer acted unfairly.	Pending
90-110-0210	Headingley Correctional Institution inmate feels 24 hour lockup is unfair.	Resolved
90-110-0211	Milner Ridge Correctional Centre inmate alleges unfair denial of temporary absence or pre-release.	Resolved
90-110-0212	Headingley Correctional Institution inmate feels denial of temporary absence is unfair.	Pending
90-110-0213	Alleges unfair treatment by Maintenance Enforcement Office.	Pending
90-110-0214	Alleges Land Titles Office improperly issued title giving her property to government.	Pending
90-110-0215	Concerns regarding transfer policy between youth institutions.	Information Supplied
90-110-0216	Provincial Remand Centre inmate alleging unfair treatment.	Pending
90-110-0217	Headingley Correctional Institution intermittent inmate alleges unfair and discriminatory treatment.	Pending
90-110-0218	Headingley Correctional Institution concerned about lack of medical attention.	Pending
90-110-0219	Headingley Correctional Institution inmate feels denial of temporary absence pass unfair.	Not Supported
90-110-0220	Headingley Correctional Institution inmate expressing concern re canteen privileges.	Resolved

90-110-0221	Concern over the manner in which the Public Trustee is handling his mother's affairs.	Pending
90-110-0222	Objects to court decision to dispose of fire arms.	Information Supplied
90-110-0223	Headingley Correctional Institution inmate alleges unfair treatment by staff in placing him in segregation without a Disciplinary Board Hearing.	Pending
90-110-0224	Headingley Correctional Institution inmate complaining about condition and treatment by correctional officers.	Pending
90-110-0225	Provincial Remand Centre inmate concerned about bedding, control of head lice and various other matters.	Resolved
90-110-0226	Inmate at Milner Ridge Correctional Centre expressing several complaints about the Centre, staff, and program.	Discontinued (Client)
90-110-0227	Expressing concern re statement in letter from Attorney General regarding Ombudsman's disposition of complaint.	Information Supplied
90-110-0228	Provincial Remand Centre inmate alleging inadequate supply of towels and bed clothes.	Resolved

Civil Service Commission - 3

90-130-0001	Alleges unfair decision regarding long term disability claim.	Pending
90-130-0002	Alleges unfair appeal by Civil Service Commission Appeal Board.	Not Supported
90-130-0003	Applicant for position alleges unfair treatment.	Pending

Family Services - 74

90-140-0001	Youth requests release from youth centre.	Information Supplied
90-140-0002	Alleges difficulty establishing communication with Income Security office.	Resolved
90-140-0003	Refused copy of original birth certificate.	Not Supported
90-140-0004	Former social allowance recipient unable to obtain rent payment verification from department.	Resolved
90-140-0005	Youth in care wants to be returned home.	Information Supplied
90-140-0006	Youth requesting financial assistance for transportation costs.	Discontinued (Client)
90-140-0007	Alleges unfair treatment at Income Security office.	Not Supported
90-140-0008	Complaint from youth in independent living about having cheque withheld.	Resolved
90-140-0009	Parent dissatisfied with services being provided to his step-son.	Information Supplied

90-140-0010	Monitoring of department's involvement re allegation of child abuse at private school.	Pending
90-140-0011	Inquiries re allegations of ineffective intervention by child and family services agency.	Resolved
90-140-0012	Inquiry re Manitoba Development Centre Report.	Information Supplied
90-140-0013	Mother allegedly may face eviction due to delay by department in issuing T-4 slip.	Resolved
90-140-0014	Alleged difficulty obtaining social allowances benefits.	Resolved
90-140-0015	Concerns regarding abuse investigation by agency.	Information Supplied
90-140-0016	Alleges unfair treatment by child and family services agency.	Pending
90-140-0017	Allegedly unable to get help from child and family services agency for 15 year old.	Assistance Rendered
90-140-0018	Alleges unfair apprehension of children by child and family services agency.	Not Supported
90-140-0019	Alleges inadequate service by department re financial assistance for teenage mother and her son.	Pending
90-140-0020	Private not-for-profit family service agency concerned about confusion caused by department's change of name.	Discontinued (Ombudsman)
90-140-0021	Requesting information re: transferring youth in care to another province.	Information Supplied
90-140-0022	Parent experiencing difficulties in having her daughter placed in community residence, and feels Department is at fault.	Not Supported
90-140-0023	Complainant reports difficulty receiving assistance under social allowances program.	Resolved
90-140-0024	Alleging that social worker does not visit or keep in touch with his daughter who is in foster care.	Information Supplied
90-140-0025	Youth denied assistance from child and family services agency.	Resolved
90-140-0027	Alleging unfair denial of employment as Home Care Attendant.	Pending
90-140-0028	Mother requesting assistance regarding apprehension of children.	Information Supplied
90-140-0029	Alleges unfair termination of social allowances benefits.	Information Supplied
90-140-0030	Denial of financial assistance to a teenager.	Resolved
90-140-0031	Social allowances recipient objects to request for reassessment of medical circumstances to determine eligibility for continuation of benefits.	Not Supported

90-140-0032	Alleging unfair selection process re: job competition.	Not Supported
90-140-0033	Social allowances recipient feels social worker should not decide for him which physician he will consult for his health problems.	Resolved
90-140-0034	Concerns with apprehension and detention of youth by child and family services agency.	Information Supplied
90-140-0035	Social allowances recipient disagrees with reduction of cheque.	Discontinued (Client)
90-140-0036	Monitoring of child abuse case.	Pending
90-140-0037	Dissatisfied with treatment received from Income Security.	Not Supported
90-140-0038	Concerned over delay in receiving mattress through social allowances.	Information Supplied
90-140-0039	Request for assistance for a pregnant teenager.	Partially Resolved
90-140-0040	Alleging unfair decision by income security office not to replace allegedly stolen social allowances funds.	Assistance Rendered
90-140-0041	Difficulty establishing eligibility for social allowances benefits.	Resolved
90-140-0042	Alleges that Child and Family Services Directorate has failed to provide a safe milieu for 15 year old awaiting entrance into treatment program.	Resolved
90-140-0043	Concerns from foster parent re placement decisions and removal of foster children.	Discontinued (Client)
90-140-0044	Allegedly not receiving sufficient social allowances benefits.	Not Supported
90-140-0045	Concerns regarding access to child in care.	Assistance Rendered
90-140-0046	Youth alleging lack of planning re his release from youth correctional centre.	Pending
90-140-0047	Birth mother requesting assistance in locating adopted child.	Information Supplied
90-140-0048	Concern re department's review of residential facility for physically handicapped.	Discontinued (Client)
90-140-0050	Concerns re special needs allowance of nephew.	Information Supplied
90-140-0051	Complainant concerned over decrease in homemaker service hours.	Partially Resolved
90-140-0052	Concerns regarding alleged child abuse case.	Pending
90-140-0053	Problems involving sexual abuse allegations, apprehension of and access to son.	Information Supplied
90-140-0054	Parent concerned regarding apprehension of a child as a result of abuse allegations.	Declined

90-140-0055	Mother wishing to have apprehended children returned to her.	Declined
90-140-0056	Dissatisfied with advice provided by income security counsellor.	Discontinued (Client)
90-140-0057	Income Security recipient disputes need to repay overpayment.	Not Supported
90-140-0058	Alleges that provincial social allowances program will not help her transfer to city social services program.	Not Supported
90-140-0059	Alleging unfair denial of social allowances.	Information Supplied
90-140-0060	Concerned about child and family services agency's decision re request for financial assistance for treatment for son.	Information Supplied
90-140-0061	Social allowances recipient alleging unfair treatment.	Resolved
90-140-0062	Alleges inappropriate treatment by vocational rehabilitation services counsellor.	Discontinued (Client)
90-140-0063	Concern regarding Social Allowances procedure for changing physicians and authorizing prescriptions.	Pending
90-140-0064	Mother alleges child and family services agency not assisting her to reunite with her two daughters, currently in a foster home.	Discontinued (Ombudsman)
90-140-0065	Social allowances recipient feels he requires more money for food.	Information Supplied
90-140-0066	Concerns regarding child welfare services provided to complainant.	Pending
90-140-0067	Complainant unable to obtain counselling services.	Discontinued (Client)
90-140-0068	Request for financial assistance to support nephew denied.	Information Supplied
90-140-0069	Individual feels it is unfair that he has to return his old birth certificate (which he has paid for) when officially changing his name.	Assistance Rendered
90-140-0070	Complainant concerned over process followed when reviewing family situation.	Information Supplied
90-140-0071	Alleging unfair treatment by Income Security Office.	Not Supported
90-140-0072	Estranged husband feels that former wife should not be receiving social allowances.	Not Supported
90-140-0073	Parent concerned re lack of access to child in care.	Pending
90-140-0074	Alleges unfair closure of foster home.	Pending
90-140-0075	Band members raising concern about child and family services program on reserve.	Information Supplied
90-140-0076	Alleges unfair termination of social allowances.	Not Supported
90-140-0077	Student in need of money for school supplies.	Information Supplied

90-140-0078	Recipient of social assistance feels he is being treated unfairly.	Not Supported
90-140-0079	Complainant upset with Income Security's decision to terminate her social allowances benefits because she applied for student aid.	Information Supplied
90-140-0080	Youth concerned about independent living situation.	Resolved
90-140-0081	Concern over time taken to conduct an investigation of a nursing school.	Pending
90-140-0082	Concerns regarding foster home investigations and native reserve issues.	Discontinued (Ombudsman)
90-140-0083	Concerns regarding home assessment.	Discontinued (Ombudsman)
90-140-0084	Alleges that child and family services agency will not provide services to seventeen year old youth.	Information Supplied
90-140-0085	Alleges Student Social Allowances program discriminates against females on basis of marital status.	Assistance Rendered
90-140-0086	Feels child and family services agency should become involved in providing service for teenager.	Discontinued (Client)
90-140-0087	Alleges unfair treatment by income security counsellor.	Assistance Rendered
90-140-0088	Social allowances recipient feels department should pay for ambulance bill, and seeking assistance re proper procedure for submitting bill.	Information Supplied
90-140-0089	Concerns about apprehension of children and alleged lack of access.	Information Supplied
90-140-0090	Unhappy with child and family services agency's involvement with her family.	Information Supplied
90-140-0091	Landlord feels department is unfairly requesting him to pay outstanding water bills allegedly brought about by tenant, an income security recipient.	Information Supplied
90-140-0092	Monitor recommendations of provincial judge on inquest.	Pending
90-140-0093	Father expressing concern about child and family services agency's handling of his daughter's case.	Not Supported
90-140-0094	Feels department should not have paid for dentures, which allegedly are not satisfactory.	Pending
90-140-0095	Complaining about decision of Social Services Advisory Committee.	Pending
90-140-0096	Mother wishes to regain custody of child.	Discontinued (Client)
90-140-0097	Difficulties re issuance of his monthly social allowance cheque.	Resolved

90-140-0098	Alleges unwarranted apprehension of child by child and family services agency.	Discontinued (Ombudsman)
90-140-0099	Concerns regarding services to child in care.	Information Supplied
90-140-0100	Concern regarding intervention and action of child and family service agency.	Information Supplied
90-140-0101	Complainant alleges unfair treatment by Provincial Daycare Office.	Pending
90-140-0102	Parent concerned about son not attending school.	Information Supplied
90-140-0103	Concerns regarding apprehension of children.	Information Supplied
90-140-0104	Family Service's employee requesting replacement of lost pay cheque.	Pending
90-140-0105	Concerns regarding loss of social allowance cheque.	Assistance Rendered
90-140-0106	Alleges inappropriate handling of his concerns by Social Services Advisory Committee.	Pending
90-140-0107	Individual objects to transfer of his income security file from one office to another.	Not Supported

Co-operative, Consumer and Corporate Affairs - 5

90-150-0001	Unhappy with action of department re complaint.	Not Supported
90-150-0002	Unhappy with Consumer's Bureau handling of complaint.	Not Supported
90-150-0003	Alleges inconsistent rulings by Superintendent of Insurance re insurance brokers charging fees for service.	Pending
90-150-0004	Disagrees with decision of Manitoba Securities Commission re his complaint.	Pending
90-150-0005	Individual is unhappy with the Department's decision to deny him a Direct Seller's Licence.	Resolved

Corporations and Extra Departmental - 10

90-170-0001	Objects to location of hazardous waste facility in community.	Pending
90-170-0002	Dispute over nature of telephone service being provided.	Pending
90-170-0003	Feels Manitoba Telephone System should have further involvement re damage to kitchen floor due to phone relocation.	Not Supported
90-170-0004	Billing dispute with Manitoba Telephone System.	Assistance Rendered
90-170-0005	Complainant disagreeing with the decision of MTS to disconnect service.	Not Supported
90-170-0006	Dissatisfied with the Corporation's decision to disconnect telephone service.	Pending

90-170-0007	Objecting to rate increase for telephone service.	Assistance Rendered
90-170-0008	Alleges that telephone services is about to be unfairly disconnected.	Resolved
90-170-0009	Alleges unfair treatment by Manitoba Lotteries Foundation led to loss of employment.	Pending
90-170-0010	Alleging unfair denial of Manitoba Arts Council grant, and unfair denial of appeal process.	Pending

Education and Training - 3

90-200-0001	Alleges improper charging of fees for courses at community college.	Pending
90-200-0002	Alleges that community college has unfairly denied her the opportunity to take registered nurses refresher course.	Assistance Rendered
90-200-0003	Monitor inquest.	Pending

Environment - 5

90-230-0001	Monitoring of recommendation by provincial judge on inquest.	Resolved
90-230-0002	Monitoring of recommendations by provincial judge on inquest.	Resolved
90-230-0003	Water contamination of wells and threat to City of Portage water supply.	Discontinued (Client)
90-230-0004	Monitoring recommendations made by provincial judge on inquest.	Resolved
90-230-0005	Feels Department did not adequately respond to his complaint.	Pending

Executive Council - 1

90-235-0001	Concerned over delay in receiving response to enquiry.	Information Supplied

Federal Departments and Agencies - 12

90-240-0001	Concerned that Parole Board will not process his application for parole until outstanding charges have been dealt with.	Pending
90-240-0002	Alleges run-around by unemployment insurance officer.	Assistance Rendered
90-240-0003	Farmer alleging unfair treatment re: claim for assistance under the Canadian Crop Drought Assistance Program.	Declined
90-240-0004	Headingley Correctional Institution inmate alleging unfair denial of parole.	Information Supplied
90-240-0005	Headingley Correctional Institution inmate alleging unfair handling of parole application.	Information Supplied

90-240-0006	Unhappy with handling of unemployment insurance claim.	Information Supplied
90-240-0007	Difficulty involving UIC benefits.	Information Supplied
90-240-0008	Complainant feels unfairly denied UIC benefits.	Information Supplied
90-240-0009	Monitor inquest.	Pending
90-240-0010	Individual expressing concern about RCMP action of transporting her to mental health centre.	Information Supplied
90-240-0011	Milner Ridge Correctional Centre inmate objects to decision of parole board.	Information Supplied
90-240-0012	Alleges federal grant to small business is creating unfair competition.	Information Supplied
Finance - 2		
90-250-0001	Individual who paid sales tax when purchasing car for spouse, feels he should not have to pay sales tax again to have registration transferred from spouse's name to his name.	Assistance Rendered
90-250-0002	Dispute over eligibility for provincial sales tax refund.	Not Supported
Government Services - 2		
90-260-0001	Alleges unfair treatment by Manitoba Disaster Assistance Board.	Pending
90-260-0002	Monitoring department's investigation of abuse allegations.	Discontinued (Ombudsman)
90-260-0003	Farmer alleges not being paid for land expropriated over ten years ago.	Pending
Health - 78		
90-270-0001	Selkirk Mental Health Centre patient wishes to be discharged.	Information Supplied
90-270-0002	Health Sciences Centre patient wants to be released from psychiatric ward.	Information Supplied
90-270-0003	Selkirk Mental Health Centre patients wish to be discharged.	Information Supplied
90-270-0004	Brandon Mental Health Centre patient wants to be released.	Information Supplied
90-270-0005	Individual wants medical record destroyed.	Information Supplied
90-270-0006	Patient feels he should not have been admitted to psychiatric ward.	Information Supplied
90-270-0007	Health Sciences Centre psychiatric out-patient seeking reduction in medication.	Information Supplied
90-270-0008	Alleging that residences for senior citizens are unfairly charging seniors for rent and meals while they are in hospital.	Pending

90-270-0009	Monitor inquest re death of two year old.	Discontinued (Ombudsman)
90-270-0010	Concerned over alleged delay by hospital re forwarding to Review Board application for review under Mental Health Act.	Discontinued (Ombudsman)
90-270-0011	Parent requesting assistance in obtaining psychiatric services for child.	Assistance Rendered
90-270-0012	Former Selkirk Mental Health Centre patient alleging conspiracy against him.	Declined
90-270-0013	Health Sciences Centre patient expressing desire to have case reviewed by the Mental Health Review Board.	Information Supplied
90-270-0014	Individual expressing concerns re the adjustment of fluoride levels in public water supplies.	Declined
90-270-0015	Alleged unfair denial of promotion to area director position.	Discontinued (Client)
90-270-0016	Selkirk Mental Health Centre forensic patient alleging that forensic patients are being treated unfairly.	Information Supplied
90-270-0017	Objecting to denial of payment for out-of-province medical services.	Not Supported
90-270-0018	Patient wishes to be released from psychiatric ward of hospital.	Information Supplied
90-270-0019	Alleges improper procedures around discharge from hospital.	Not Supported
90-270-0020	Former patient of psychiatric facility alleges being forced to take drugs to which she was known to be allergic.	Declined
90-270-0021	Alleging improper confinement to mental health centre.	Not Supported
90-270-0022	Health Sciences Centre patient alleging improper confinement and wishes to be released from psychiatric ward.	Information Supplied
90-270-0023	Former patient of Selkirk Mental Health Centre expressing concerns about his treatment at Centre.	Information Supplied
90-270-0024	Patient committed to psychiatric facility feels he should not be there.	Information Supplied
90-270-0025	Personal Care Home unhappy with decision of Manitoba Health Services Commission Board re appeal of the non-union funding policy.	Pending
90-270-0026	Patient of Brandon Mental Health Centre expressing concerns about medical treatment, alleged assault and other matters.	Information Supplied
90-270-0027	Selkirk Mental Health Centre patient questioning his status.	Information Supplied

90-270-0028	Patient on psychiatric ward of hospital expressing concerns.	Information Supplied
90-270-0029	Patient on psychiatric ward wishes to be released from hospital.	Resolved
90-270-0030	Brandon Mental Health Centre patient dissatisfied with doctor's assessment and treatment.	Information Supplied
90-270-0031	Concerns about care received by patient at Health Sciences Centre.	Discontinued (Ombudsman)
90-270-0032	Concern over discontinuance of home care services.	Resolved
90-270-0033	Youth in care wanting to return home.	Discontinued (Client)
90-270-0034	Alleges unfair restriction of health services.	Discontinued (Ombudsman)
90-270-0035	Complainant requests to have medical record in psychiatric ward corrected.	Resolved
90-270-0036	Monitor inquest.	Pending
90-270-0037	Sixteen year old seeking assistance to be discharged from Brandon Mental Health Centre.	Resolved
90-270-0038	Brandon Mental Health Centre patient wishes to be discharged from hospital.	Information Supplied
90-270-0039	Brandon Mental Health Centre patient wants to be discharged.	Information Supplied
90-270-0040	Selkirk Mental Health Centre patient feels he should not be at Centre.	Information Supplied
90-270-0041	Alleging mistreatment of son at Health Sciences Centre psychiatric facility.	Discontinued (Client)
90-270-0042	Selkirk Mental Health Centre patient wishes to be released.	Resolved
90-270-0043	Patient on psychiatric ward wishes to be released from hospital.	Information Supplied
90-270-0044	Individual wishing to change doctors as he feels present doctor is not doing anything for him.	Information Supplied
90-270-0045	Former Health Sciences Centre patient complaining about psychiatric treatment received.	Not Supported
90-270-0046	Alleges unfair treatment of patients at Selkirk Mental Health Centre.	Discontinued (Client)
90-270-0047	Brandon Mental Health Centre patient feels he should be discharged from hospital.	Information Supplied
90-270-0048	Alleges lack of response by Department of Health to a complaint made to the Department.	Resolved
90-270-0049	Patient at Brandon Mental Health Centre feels she should not be there.	Information Supplied
90-270-0050	Psychiatric patient seeking release from hospital.	Information Supplied

90-270-0051	Concerned re destruction of medical file.	Not Supported
90-270-0052	General issues regarding procedures affecting psychiatric patients.	Pending
90-270-0053	Concerns re admittance to, stay at and release from Selkirk Mental Health Centre.	Pending
90-270-0054	Brandon Mental Health Centre patient seeking information about her rights; wishing to be discharged; and complaining about the food served in the Centre.	Resolved
90-270-0055	Health Sciences Centre patient raises concerns about the provision of special diet and medication.	Information Supplied
90-270-0056	Involuntary patient at Brandon Mental Health Centre wishes to be released.	Information Supplied
90-270-0057	Selkirk Mental Health Centre patient feels he should not be at the Centre.	Not Supported
90-270-0058	Unhappy with decision re services to be provided by home care attendant.	Discontinued (Client)
90-270-0059	Brandon Mental Health Centre patient alleges unfair imposition of curfew.	Resolved
90-270-0060	Review of institution's policies and practices re complaints of sexual abuse.	Pending
90-270-0061	Patient on psychiatric ward of Seven Oaks General Hospital questioning her admission and change of status.	Information Supplied
90-270-0062	Review of appeal avenues available to youth in mental health institutions.	Pending
90-270-0063	Patient concerns regarding program cut.	Information Supplied
90-270-0064	Health Sciences Center psychiatric patient requesting information.	Assistance Rendered
90-270-0065	Psychiatric patient unhappy with care at Health Sciences Centre.	Information Supplied
90-270-0066	Brandon Mental Health Centre patient wishes to be discharged.	Discontinued (Ombudsman)
90-270-0067	Individual unhappy with the issuing of an Order of Supervision re his mother.	Information Supplied
90-270-0068	Selkirk Mental Health Centre patient wants to be discharged.	Information Supplied
90-270-0069	Unhappy with Manitoba Health Services Commission's treatment of his complaint re: placement and care of his mother at home for senior citizens.	Pending

90-270-0070	Health Sciences Centre involuntary patient wishes to be released from psychiatric ward.	Information Supplied
90-270-0071	Health Sciences Centre patient wishes to be released from psychiatric ward.	Information Supplied
90-270-0072	St. Boniface Hospital patient in psychiatric ward alleges unfair removal of personal property.	Resolved
90-270-0073	Complainant concerned with undue delay of meeting with the Review Board.	Not Supported
90-270-0074	Patient on psychiatric ward concerned about incorrect spelling of her name.	Resolved
90-270-0075	Concern over coverage by Manitoba Health Services Commission.	Pending
90-270-0076	Mental health patient expressing concern re: treatment.	Information Supplied
90-270-0077	Patient requesting release from psychiatric institution.	Information Supplied
90-270-0078	Brandon Mental Health Centre patient alleges he is not being permitted to use his social allowances clothing allocation for purchases other than clothing.	Pending

Highways and Transportation - 29

90-280-0001	Seeking clarification re matter involving non-payment of fines.	Information Supplied
90-280-0003	Senior citizen alleges that he was unfairly failed on his driver tests due to his age.	Not Supported
90-280-0004	Feels restrictions have been unfairly placed on his driver licence.	Information Supplied
90-280-0005	Concern over procedure for completion of medical reports.	Resolved
90-280-0006	Alleges opportunity for reinstatement of driver licence unfairly denied.	Resolved
90-280-0007	Alleges unfair treatment by Driver and Vehicle Licencing re: requests for medical follow-up on health condition.	Not Supported
90-280-0008	Feels Driver and Vehicle Licencing Division did not properly handle problem involving van which required many repairs even though dealer had issued a safety certificate.	Not Supported
90-280-0009	Dissatisfied with assistance received from personnel officer.	Partially Resolved
90-280-0010	Department's policy of releasing names and addresses from vehicle registration/driver licencing files.	Resolved
90-280-0011	Concerns involving suspension of driver licence.	Information Supplied

90-280-0012	Concerned over procedures used by department during recent job competition.	Not Supported
90-280-0013	Complaining about suspension of driver licence.	Information Supplied
90-280-0014	Dispute over location of highway access road.	Resolved
90-280-0015	Unhappy with the decision of the Licence Suspension Appeal Board following a recent hearing.	Not Supported
90-280-0016	Seeking assistance regarding reinstatement of driver licence.	Not Supported
90-280-0017	Unhappy with response of Motor Transport Board regarding complaint filed with that Board.	Pending
90-280-0018	Feels driver licence should be reinstated.	Pending
90-280-0019	Feels dangerous intersection and road to cottage lot subdivision should be upgraded.	Pending
90-280-0020	Feels being five months late renewing driver licence should not prevent the awarding of merit point.	Pending
90-280-0021	Objection to the removal of a service road.	Assistance Rendered
90-280-0022	Individual is unhappy with the Registrar's decision requesting driver's re-examination.	Not Supported
90-280-0023	Concerned about terms and conditions of suspension of driver licence.	Pending
90-280-0024	Objecting to decision re cancellation of Class 1.0 driver licence.	Information Supplied
90-280-0025	Alleges unfair suspension of driver licence.	Pending
90-280-0026	Concerns regarding suspension of driver licence.	Pending
90-280-0027	Feels unfair treatment by department resulted in his resignation.	Pending
90-280-0028	Objects to requirement to provide report on eye examination.	Pending
90-280-0029	Alleging unfair treatment in matter of driving assessment.	Pending
90-280-0030	Objects to refusal by the Registrar to issue a salesman's permit.	Information Supplied

Housing - 23

90-290-0001	Concerns over handling of case and decision of rent appeal panel.	Not Supported
90-290-0002	Seeking assistance re appeal of landlord's notification of proposed rent increase.	Information Supplied
90-290-0003	Alleges unfair decision by Landlord and Tenant Affairs in matter of security deposit.	Pending
90-290-0004	Unhappy with Landlord and Tenant Affairs' handling of security deposit dispute.	Not Supported

90-290-0005	Alleges that Landlord and Tenant Affairs is unfairly refusing to do an inspection report on her premises.	Information Supplied
90-290-0006	Disputes department's authority to determine amount landlord can charge for new parking spaces.	Resolved
90-290-0007	Tenants complaining that administrative procedure of allowing rent increases "in perpetuity" for capital costs is unfair.	Pending
90-290-0008	Unhappy with action taken by Landlord and Tenant Affairs re security deposit problem.	Pending
90-290-0009	Difficulties involving low income housing unit.	Discontinued (Client)
90-290-0010	Objecting to 14 day time period allowed for appealing recommendation re rent increase.	Information Supplied
90-290-0011	Dissatisfied with Landlord and Tenant Affairs review of complaint re plumbing problem.	Discontinued (Client)
90-290-0012	Feels Landlord/Tenant Affairs Branch did not properly handle security deposit dispute.	Resolved
90-290-0013	Unhappy with Landlord and Tenant Affairs handling of landlord/tenant dispute.	Not Supported
90-290-0014	Dissatisfied with response of Landlord and Tenant Affairs officer.	Discontinued (Client)
90-290-0015	Feels Landlord and Tenant Affairs is not properly pursuing complaint.	Pending
90-290-0016	Seeking clarification re withholding of monthly SAFFR (Shelter Allowance for Family Renters) grant.	Resolved
90-290-0017	Alleges undue delay by Landlord and Tenant Affairs in returning security deposit.	Not Supported
90-290-0018	Dissatisfied with action taken by Landlord and Tenant Affairs re landlord/tenant dispute.	Pending
90-290-0019	Tenant complaining that Landlord and Tenant Affairs has not properly dealt with her complaint.	Pending
90-290-0020	Complaining that Landlord and Tenant Affairs did not properly handle security deposit dispute.	Pending
90-290-0021	Tenant disagrees with information provided by Landlord and Tenant Affairs.	Pending
90-290-0022	Landlord expressing concerns re department's handling of his application for rent increase.	Not Supported
90-290-0023	Concerns over the handling of case and decision of the Appeal Panel.	Pending

Manitoba Hydro - 10

90-300-0001	Difficulties obtaining employment at Limestone Project.	Information Supplied

90-300-0002	Problems re billing procedures.	Information Supplied
90-300-0003	Billing dispute.	Not Supported
90-300-0004	Mother feels son does not owe outstanding bill being charged to him by Manitoba Hydro.	Assistance Rendered
90-300-0006	Alleges unfair disconnection of hydro service.	Resolved
90-300-0007	Complainant feels Hydro should be responsible for damage to answering machine as a result of a power surge.	Not Supported
90-300-0008	Alleges unfair treatment re past due bill.	Resolved
90-300-0009	Alleges unfair treatment by Manitoba Hydro re provision of hydro service.	Discontinued (Ombudsman)
90-300-0010	Concerned re disconnection of hydro service.	Resolved
90-300-0011	Alleges unfair disconnection of hydro service.	Resolved

Industry, Trade and Tourism - 3

90-310-0001	Feels that department, because of funding agreement, has an obligation to pay debt owing by private corporation.	Not Supported
90-310-0002	Alleges improper handling by department re his complaint against hunting outfitter.	Discontinued (Client)
90-310-0003	Alleges unfair action by Manitoba Horse Racing Commission.	Discontinued (Client)

Labour - 9

90-320-0001	Objecting to decision of Manitoba Pension Commission concerning bridging benefit provided by pension plan.	Pending
90-320-0002	Alleges undue delay in having claim dealt with by Employment Standards Branch.	Resolved
90-320-0003	Alleging that actions of boiler inspector caused loss of business and revenue.	Pending
90-320-0004	Alleging unsatisfactory service from Labour Board re claim.	Resolved
90-320-0005	Question of whether Labour Board should give parties information in writing re appeals and reasons for decisions.	Pending
90-320-0006	Alleges unreasonable treatment by Manitoba Labour Board.	Discontinued (Ombudsman)
90-320-0007	Monitor recommendations by provincial judge on inquest.	Pending
90-320-0008	Alleging unjust and unfair system of pay equity.	Assistance Rendered
90-320-0009	Employee alleging harassment and unfair treatment by her supervisor and directors.	Discontinued (Ombudsman)

Rural Development - 3

90-330-0001	Alleges damage caused to farmland by actions of Local Government District and lack of action by Manitoba Rural Development.	Pending
90-330-0002	Feels subdivision approval has been unfairly withheld.	Information Supplied
90-330-0003	Complainant is unhappy with the decision of the Provincial Planning Authority to reject his application for subdivision.	Information Supplied

Municipalities, Cities, Towns, Etc. - 9

90-340-0001	City not responding to citizen's correspondence re: fluoride treatment of drinking water.	Information Supplied
90-340-0002	Alleges inappropriate treatment by social assistance system.	Information Supplied
90-340-0003	Alleges unfair decision by planning district board re use of his property.	Discontinued (Ombudsman)
90-340-0004	Unhappy with City Welfare's decision to deny assistance.	Information Supplied
90-340-0005	Welfare recipient allegedly receiving insufficient allowance.	Information Supplied
90-340-0006	Complainant feels Local Government District acting unreasonably regarding opening of a road allowance.	Pending
90-340-0007	Individual feels that there has been little or no publicity re the downtown "no parking" time changing from 4 p.m. - 6 p.m. to 3:30 p.m. - 5:30 p.m. and also that the 24 hour clock system on the meters is confusing.	Information Supplied
90-340-0008	Feels school division is unfairly denying her employment as a bus driver.	Assistance Rendered
90-340-0009	Alleges unfair and "punitive" tax increase.	Information Supplied

Manitoba Public Insurance Corporation (MPIC) - 54

90-350-0001	Unhappy with the handling of autopac bodily injury claim.	Resolved
90-350-0002	Dispute over actual cash value re autopac claim.	Discontinued (Client)
90-350-0003	Alleges unnecessary delay in settling autopac claim.	Discontinued (Ombudsman)
90-350-0004	Alleges unfair denial of claim for bodily injury.	Not Supported
90-350-0005	Concerns re autopac renewal process and method of payment.	Discontinued (Client)
90-350-0006	Unhappy with Corporation's handling of autopac claim.	Assistance Rendered
90-350-0007	Alleges unfair treatment by adjustor.	Resolved

90-350-0008	Alleges unfair denial of coverage.	Discontinued (Client)
90-350-0009	Questions concerning autopac claim settlement arrived at through court action.	Declined
90-350-0010	Autopac claim dispute.	Not Supported
90-350-0011	Alleges unfair assessment of liability.	Resolved
90-350-0012	Concerned over potential liability assessment.	Information Supplied
90-350-0013	Alleges unfair treatment re: autopac claim.	Not Supported
90-350-0014	Autopac claim dispute.	Pending
90-350-0015	Feels Corporation should accept claim arising from accident.	Resolved
90-350-0016	Disputes liability assessment.	Not Supported
90-350-0017	Disputes Corporation's assessment of liability for automobile accident.	Not Supported
90-350-0018	Questions the right of the Corporation to issue a bulletin prohibiting insurance brokers from charging additional fees for autopac transactions.	Pending
90-350-0019	Alleges she has been unfairly charged an additional amount for auto insurance due to traffic offence.	Discontinued (Client)
90-350-0020	Alleges unfair treatment re autopac claim.	Not Supported
90-350-0021	Seeking clarification re decision concerning autopac claim.	Resolved
90-350-0022	Claimant objects to having to be responsible for deductible following collision with deer.	Not Supported
90-350-0023	Dissatisfied with the manner in which claim was handled.	Not Supported
90-350-0024	Seeking clarification re autopac claim and liability assessment.	Not Supported
90-350-0025	Individual is unhappy with Corporation's decisions on liability.	Not Supported
90-350-0026	Alleges MPIC reneged on promise to reinstate disability benefits.	Discontinued (Ombudsman)
90-350-0027	Difficulties concluding settlement of autopac claim.	Information Supplied
90-350-0028	Dispute over Corporation's offer of settlement re autopac claim.	Resolved
90-350-0029	Unhappy with proposed settlement to autopac claim.	Discontinued (Client)
90-350-0030	Disagrees with proposed settlement re autopac claim.	Resolved
90-350-0031	Unhappy with Corporation's handling of autopac claim and in particular the liability assessment.	Pending

90-350-0032	Individual concerned about not receiving a response to his application to receive a premium refund for vehicle registration.	Resolved
90-350-0033	Questioning MPIC's action of providing lawyer to represent third party in small claims court hearing.	Pending
90-350-0034	Feels MPIC is wrongly treating damage to her car as arising from two accidents rather than one.	Resolved
90-350-0035	Individual alleges that the Corporation is delaying the settlement of his claim.	Discontinued (Ombudsman)
90-350-0036	Claimant seeks clarification on terms of settlement.	Resolved
90-350-0037	Complainant does not feel he should have to pay deductible before car repairs are completed.	Resolved
90-350-0038	Dispute regarding payment of deductible.	Not Supported
90-350-0039	Dissatisfied with settlement of bodily injury claim.	Not Supported
90-350-0040	Claimant objects to loss of deductible.	Pending
90-350-0041	Feels claim was handled unfairly.	Resolved
90-350-0042	Alleges unfair handling of autopac claim and liability assessment.	Pending
90-350-0043	Concerns re bodily injury claim.	Information Supplied
90-350-0044	Insured wrongly identified as being third party in an accident.	Resolved
90-350-0045	Disputes value placed on vehicle by Corporation.	Information Supplied
90-350-0046	Alleges unfair assessment of damages incurred in automobile accident.	Pending
90-350-0047	Feels Corporation's decision to deny autopac coverage is unfair.	Pending
90-350-0048	Seeking assistance re two autopac claims.	Pending
90-350-0050	Alleges unfair denial of autopac claim.	Pending
90-350-0051	Alleges unfair settlement being proposed by Corporation re autopac claim.	Pending
90-350-0052	Concerned about Corporation's intention to cancel house insurance.	Discontinued (Client)
90-350-0053	Unhappy with Corporation's handling of request for claims record, and Corporation's handling of autopac claim.	Pending
90-350-0054	Feels denial of claim is unfair.	Pending
90-350-0055	Concerns about the handling of autopac disability claim.	Not Supported

Natural Resources - 16

90-360-0001	Dispute over compensation for hay destroyed by geese in wildlife management area.	Pending
90-360-0002	Alleges unjust termination of land leases.	Discontinued (Client)
90-360-0003	Alleges unfair treatment by department re: timber quote reduction, and officers conduct, and crop insurance matter.	Pending
90-360-0004	Alleges that Human Resources Branch is preventing a proper classification of his position.	Discontinued (Ombudsman)
90-360-0005	Concerns re work completed on drainage ditch.	Discontinued (Client)
90-360-0006	Alleges unfair treatment re disposal of surplus floodway.	Pending
90-360-0007	Alleges unfair treatment re application for commercial fishing licence.	Pending
90-360-0008	Concerns re awarding of contract for operating commercial services in Grand Beach Provincial Park.	Discontinued (Client)
90-360-0009	Monitor inquest.	Pending
90-360-0010	Unhappy with department's response to flooding problem.	Discontinued (Client)
90-360-0011	Cottage owners in subdivision feel development of new cottage lots should not proceed unless road is upgraded.	Pending
90-360-0012	Farmer seeking compensation for loss of crop due to deer, and loss of sheep due to coyotes.	Pending
90-360-0013	Alleges that son was improperly granted permission to build a house in unsafe location.	Discontinued (Client)
90-360-0014	Alleges officials failed to process claim.	Pending
90-360-0015	Feels department should pay him for removal of diseased elm trees.	Pending
90-360-0016	Feels the giving of an offence notice was unwarranted.	Not Supported

Northern Affairs - 3

90-370-0001	Objecting to Ministerial Order re removal of dike.	Pending
90-370-0002	Cottage owners in subdivision feel development of new cottage lots should not proceed unless road is upgraded.	Pending
90-370-0003	Employee of community council seeking clarification of status.	Pending

Private Matters - 49

90-380-0001	Monitor inquest involving death of child.	Pending

90-380-0002	Resident objects to location of Family Resources Centre in her residential neighborhood because of nature of programs offered through the Centre.	Declined
90-380-0003	Consumer experiencing a problem re warranty coverage for automobile.	Assistance Rendered
90-380-0004	Seeking assistance re cost of replacing furnace allegedly due to flood damage of 1986.	Information Supplied
90-380-0005	Difficulties with truck purchased for farm use.	Assistance Rendered
90-380-0006	Dispute regarding the purchase of a cemetery plot.	Assistance Rendered
90-380-0007	Complainant alleges being swindled out of land by lawyers and judges.	Declined
90-380-0008	Expressing concerns about municipal election and other political matters.	Declined
90-380-0009	Employee given very short notice of termination of employment after 16 years of employment.	Assistance Rendered
90-380-0010	Request for information re: provincial public employees pension plans.	Information Supplied
90-380-0011	Alleges unprofessional conduct by real estate agent.	Information Supplied
90-380-0013	Disagrees with Small Claims Court decision.	Declined
90-380-0014	Concerned about the safety of residents of senior citizen home.	Resolved
90-380-0015	Individual feels there should be a government minister responsible for the status of men.	Declined
90-380-0017	Dissatisfied with treatment in private club.	Declined
90-380-0018	Problem with roommate involving payment of rent for shared premises.	Information Supplied
90-380-0019	Custody dispute.	Discontinued (Ombusdman)
90-380-0020	Seeking advice re obtaining custody of daughter.	Information Supplied
90-380-0021	Alleging unfair treatment by bank re charges for computer services.	Assistance Rendered
90-380-0022	Problem involving purchase and installation of kitchen cupboard.	Assistance Rendered
90-380-0023	Dispute over wages allegedly owing to employee.	Declined
90-380-0024	Alleges unfair treatment by airline.	Assistance Rendered
90-380-0025	Individual unhappy with Credit Bureau report.	Assistance Rendered
90-380-0026	Problem concerning real estate transaction.	Declined
90-380-0027	Consumer unhappy with work and conduct of painters.	Information Supplied
90-380-0028	Problem involving runoff water from neighbor's property.	Information Supplied

90-380-0029	Questions concerning safety requirements of a vehicle compound.	Information Supplied
90-380-0030	Monitor Inquest.	Pending
90-380-0031	Individuals expressing concerns about election procedures on reserve, and band council management.	Declined
90-380-0032	Consumer experiencing difficulties re newly purchased cash register.	Assistance Rendered
90-380-0033	Difficulties involving used vehicle purchased three years ago.	Assistance Rendered
90-380-0034	Concern over actions of native band member.	Information Supplied
90-380-0035	Alleges unfair treatment re feature film production in Manitoba.	Information Supplied
90-380-0036	Concerned about native education issues.	Declined
90-380-0037	Individual is unhappy with the day to day treatment and placement of his mother at a private senior citizen's home.	Assistance Rendered
90-380-0038	Individual concerned with treatment of mentally handicapped children at school.	Pending
90-380-0039	Individual seeking information about children with whom he lost contact as a result of divorce.	Information Supplied
90-380-0040	Dispute with insurance company over allegedly misquoted premium.	Information Supplied
90-380-0041	Tenants alleging that landlord is not taking action to repair leaking roof.	Information Supplied
90-380-0042	Requesting return of alleged overpayment to licenced residential home for services provided to senior citizen.	Assistance Rendered
90-380-0043	Seeking help to clarify matter of being shot by city police.	Information Supplied
90-380-0044	Dispute with optician re purchase of eyeglasses.	Discontinued (Client)
90-380-0045	Alleges lack of action by insurance adjuster re loss resulting from home fire.	Assistance Rendered
90-380-0046	Objects to being charged the GST by Association on renewal of licence fees.	Information Supplied
90-380-0048	Seeking review of court decision.	Information Supplied
90-380-0049	Non-jurisdictional concern.	Pending
90-380-0050	Dissatisfied with product purchased from furniture store.	Information Supplied
90-380-0051	Concern re custody of unborn child.	Assistance Rendered

90-380-0052	Car dealership allegedly refusing to provide customer with copy of work order for repairs to vehicle.	Resolved

Provincial Auditor - 1

90-390-0001	Alleges unfair treatment by office of the Provincial Auditor, led to loss of employment.	Pending

Workers Compensation Board (WCB) - 82

90-410-0001	Unhappy with decision of Board re claim.	Not Supported
90-410-0002	Alleges Board erred in disallowing compensation claim.	Pending
90-410-0003	Alleges unfair treatment re appeal of compensation claim.	Pending
90-410-0004	Feels compensation benefits have been unfairly terminated.	Assistance Rendered
90-410-0005	Concerns about composition and procedures of Medical Review Panels.	Not Supported
90-410-0006	Alleges unfair termination of compensation claim.	Information Supplied
90-410-0007	Seeking assistance re recent compensation claim for accident which allegedly happened in 1951.	Resolved
90-410-0008	Alleges unfair decision by Board re claim.	Discontinued (Client)
90-410-0009	Alleges unfair decision of Board re claim.	Pending
90-410-0010	Alleges unfair decision by Board re compensation claim.	Assistance Rendered
90-410-0011	Claimant alleges unfair termination of compensation benefits.	Assistance Rendered
90-410-0012	Wants decision to be made re compensation claim.	Resolved
90-410-0013	Alleges unfair termination of compensation benefits.	Assistance Rendered
90-410-0014	Unhappy with processing of Workers Compensation claim.	Information Supplied
90-410-0015	Unhappy with final decision of Board re claim.	Pending
90-410-0016	Alleges undue delay re handling of compensation claim.	Assistance Rendered
90-410-0017	Review of record keeping practices of board.	Pending
90-410-0018	Seeking review of compensation claim.	Information Supplied
90-410-0019	Raising concern about amount of disability pension.	Information Supplied
90-410-0020	Disagrees with decision of board re compensation claim.	Not Supported
90-410-0021	Dispute over entitlement to disability benefits.	Information Supplied
90-410-0022	Disagrees with Board decision re claim.	Not Supported
90-410-0023	Feels he should be entitled to WCB benefits.	Information Supplied

90-410-0024	Delay in receiving compensation.	Resolved
90-410-0025	Disagrees with Workers Compensation Board decision to deny benefits.	Pending
90-410-0026	Worker alleging delay in decision being made re his compensation claim.	Resolved
90-410-0027	Feels compensation benefits unfairly denied.	Pending
90-410-0028	Dissatisfied with treatment received by Workers Compensation Board.	Information Supplied
90-410-0029	Disagrees with decision of Board.	Discontinued (Client)
90-410-0030	Alleging unfair selection process re job competition.	Pending
90-410-0031	Difficulties obtaining workers compensation.	Resolved
90-410-0032	Claimant alleging undue delay by Board in responding to appeal.	Resolved
90-410-0033	Objects to Board's decision denying claim.	Pending
90-410-0034	Difficulties getting claim processed.	Pending
90-410-0035	Alleges unfair treatment by Workers Compensation Board.	Information Supplied
90-410-0036	Concern over delay in processing claim.	Resolved
90-410-0037	Complainant feels he is being given the run-around re his compensation claim.	Resolved
90-410-0038	Dissatisfied with Compensation Board's handling of claim.	Pending
90-410-0039	Unhappy with Board's handling of compensation claim.	Discontinued (Client)
90-410-0040	Claimant objects to release of personal information.	Discontinued (Client)
90-410-0041	Delays in receiving compensation cheques.	Pending
90-410-0042	Difficulty receiving compensation benefits.	Information Supplied
90-410-0043	Alleges unfair denial of compensation benefits.	Pending
90-410-0044	Feels compensation benefits have been unfairly terminated.	Information Supplied
90-410-0045	Disputes Compensation Board's decision denying claim.	Not Supported
90-410-0046	Alleges delay by Board to inform her of official status of claim.	Resolved
90-410-0047	Disputes decision of Board denying compensation benefits.	Pending
90-410-0048	Concerned about delay in Board arriving at decision and the subsequent denial of his claim.	Information Supplied

90-410-0049	Disagrees with decision of Board re compensation claim.	Pending
90-410-0050	Questioning Board's right to provide information concerning his claim history to his previous employer.	Resolved
90-410-0051	Alleges unfair termination of compensation benefits.	Information Supplied
90-410-0052	Unable to obtain compensation for mileage travelled for medical appointment nor compensation to pay for medication.	Resolved
90-410-0053	Alleges unfair denial of compensation claim.	Information Supplied
90-410-0054	Alleges undue delay by Compensation Board in arriving at decision re claim.	Resolved
90-410-0055	Concerns re Workers Compensation Board's handling of claims.	Discontinued (Client)
90-410-0056	Alleges unfair handling of workers compensation claim, and that board hearing and Medical Review Panel should be allowed.	Pending
90-410-0057	Claim dispute.	Information Supplied
90-410-0058	Claim dispute regarding permanent partial disability rating.	Information Supplied
90-410-0059	Claimant seeking clarification on claim.	Pending
90-410-0060	Concern over alleged delay in processing claim.	Pending
90-410-0061	Concern over delay in processing claim.	Resolved
90-410-0062	Claimant objects to the manner in which claim was handled.	Pending
90-410-0063	Objects to Board's decision denying claim.	Not Supported
90-410-0064	Disagrees with decision of Review Office re compensation claim.	Information Supplied
90-410-0065	Concern over termination of benefits.	Information Supplied
90-410-0066	Concern over delay in accepting claim.	Information Supplied
90-410-0067	Concern over termination of benefits.	Pending
90-410-0068	Difficulties involving compensation claim.	Resolved
90-410-0069	Claimant disagrees with decision of Medical Review Panel.	Assistance Rendered
90-410-0070	Complainant feels denial of claim is unfair.	Assistance Rendered
90-410-0071	Feels Board is taking too long in making a decision on his claim.	Resolved
90-410-0072	Objecting to termination of compensation benefits.	Information Supplied
90-410-0073	Seeking review of decision of Workers Compensation Board.	Information Supplied

90-410-0074	Alleges unfair termination of compensation benefits.	Pending
90-410-0075	Alleges Board based compensation payments on improper assessment of wages.	Pending
90-410-0076	Objecting to termination of compensation benefits.	Information Supplied
90-410-0077	Alleging unfair decision re compensation claim.	Pending
90-410-0078	Unhappy with decision of Board re termination of claim.	Pending
90-410-0079	Feels claim settlement being proposed by Board is unfair.	Information Supplied
90-410-0080	Alleges undue delay re workers compensation appeal.	Pending
90-410-0081	Requesting assistance to obtain information from WCB.	Assistance Rendered
90-410-0082	Unhappy with decision to discontinue benefits.	Information Supplied

CHAPTER O45

THE OMBUDSMAN ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act,

"agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which or all the members of the board of management or board of directors of which,

(a) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(b) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown; ("organisme gouvernemental")

"department" means a department or branch of the executive government of the province; ("ministère")

"minister" means a member of the Executive Council. ("ministre")

Appointment of Ombudsman.

2(1) The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.

CHAPITRE O45

LOI SUR L'OMBUDSMAN

SA MAJESTÉ, sur l'avis et du consentement de l'Assemblée législative du Manitoba, édicte :

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

"ministère" Ministère ou direction du gouvernement du Manitoba. ("department")

"ministre" Membre du Conseil exécutif. ("minister")

"organisme gouvernemental" Régie, commission, association ou autre groupe de personnes, constitué ou non en corporation, dont les membres ou les membres du conseil d'administration ou du conseil de direction :

a) sont nommés en vertu d'une loi de la Législature ou par décret du lieutenant-gouverneur en conseil;

b) sont, s'ils ne sont pas ainsi nommés, dans l'accomplissement de leurs fonctions des officiers publics ou des employés du gouvernement ou, pour l'accomplissement efficace de leurs fonctions, directement ou indirectement responsables devant la Couronne. ("agency of the government")

Nomination de l'ombudsman

2(1) Sur la recommandation du Comité permanent des privilèges et élections de l'Assemblée, le lieutenant-gouverneur en conseil nomme un ombudsman pour la province du Manitoba. Il doit être citoyen canadien.

Recommendations of committee on privileges and elections.

2(2) Where

(a) the office of Ombudsman is vacant; or

(b) the term of the Ombudsman in office will expire within 12 months; or

(c) the Ombudsman has tendered his resignation to take effect within 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on Privileges and Elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.

Meetings of Standing Committee.

2(3) The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.

Officer of Legislature.

3(1) The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the Assembly.

Restrictions on employment.

3(2) The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

Term of office.

4(1) Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a second term of six years, but not for more than two terms of six years.

Resignation.

4(2) The Ombudsman may resign his office in writing addressed to the Speaker of the Assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the Assembly.

Recommandations

2(2) Le président du Conseil exécutif doit convoquer une réunion du Comité permanent des privilèges et élections de l'Assemblée lorsque se présente l'un des cas suivants :

a) la charge de l'ombudsman est vacante;

b) le mandat de l'ombudsman expire dans les 12 mois;

c) l'ombudsman a donné un préavis de 12 mois de sa démission.

Le Comité doit alors établir une liste des personnes qu'il estime convenables et disponibles pour le poste d'ombudsman; il fait ensuite ses recommandations au président du Conseil exécutif.

Réunions

2(3) Le Comité permanent des privilèges et élections de l'Assemblée peut, pour l'accomplissement des fonctions prévues au présent article, se réunir au cours d'une session de la Législature ou lorsque cette session a été prorogée.

Haut fonctionnaire de la Législature

3(1) L'ombudsman est un haut fonctionnaire de la Législature; il ne peut être nommé ni élu membre de l'Assemblée ni y siéger à ce titre.

Incompatibilité d'emploi

3(2) L'ombudsman ne peut être titulaire d'une autre charge publique, exercer un métier ou une profession ni faire du commerce.

Mandat

4(1) À moins qu'il ne démissionne, ne décède ou qu'il ne soit destitué, l'ombudsman occupe son poste pendant six ans à compter de la date de sa nomination. Son mandat est renouvelable pour six ans mais l'ombudsman ne peut rester en poste plus de 12 années.

Démission

4(2) L'ombudsman peut présenter sa démission en le faisant par écrit auprès de l'orateur de l'Assemblée ou, s'il n'y a pas d'orateur ou en cas d'absence de celui-ci, en la présentant au greffier de l'Assemblée.

Removal or suspension.
5 The Lieutenant Governor in Council, on a resolution of the Assembly carried by a vote of 2/3 of the members of the Assembly voting thereon, may remove the Ombudsman from office or suspend him.

Suspension when Legislature not sitting.
6(1) At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Acting Ombudsman.
6(2) Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the Assembly.

Salary.
7(1) The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

Reduction of salary.
7(2) The salary of the Ombudsman shall not be reduced except on resolution of the Assembly carried by a vote of 2/3 of the members of the Assembly voting thereon.

Expenses.
8 The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

Application of Civil Service Superannuation Act.
9(1) The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

Destitution ou suspension
5 Le lieutenant-gouverneur en conseil, à la suite d'une résolution votée par l'Assemblée aux 2/3 des suffrages exprimés, peut destituer ou suspendre l'ombudsman de ses fonctions.

Suspension en dehors des sessions
6(1) En dehors des sessions de la Législature, le lieutenant-gouverneur en conseil peut suspendre l'ombudsman pour incapacité, pour manquement aux devoirs de sa charge, pour inconduite ou faillite personnelle. Ces faits doivent avoir été prouvés à la satisfaction du lieutenant-gouverneur en conseil. Toutefois, la suspension ne se perpétue pas au delà de la fin de la session suivante.

Intérim
6(2) Lorsque la charge d'ombudsman est vacante ou lorsque l'ombudsman est suspendu en vertu du paragraphe (1), le lieutenant-gouverneur en conseil nomme un ombudsman intérimaire jusqu'à ce que son successeur soit nommé en vertu de l'article 2 ou jusqu'à ce que l'Assemblée ait pris une décision au sujet de la suspension.

Rémunération
7(1) Le lieutenant-gouverneur en conseil fixe la rémunération de l'ombudsman, laquelle est payée sur le Trésor.

Réduction de rémunération
7(2) Seule l'Assemblée peut, par un vote des 2/3 des suffrages exprimés, réduire la rémunération de l'ombudsman.

Frais
8 L'ombudsman a droit au remboursement des frais qu'il fait dans l'exercice de ses fonctions, qu'il s'agisse de frais de déplacement ou de frais divers. Ces frais doivent être approuvés par le vérificateur provincial.

Loi sur la pension de la fonction publique
9(1) L'ombudsman ainsi que les personnes qui travaillent pour lui sont des employés au sens de la Loi sur la pension de la fonction publique.

Application of The Civil Service Act.
9(2) The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

Employees under Ombudsman.
9(3) The Civil Service Act applies to persons employed under the Ombudsman.

Oath of office.
10 Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

Oath of staff.
11 Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

Secrecy.
12(1) The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

Disclosure in reports.
12(2) Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

Application de la Loi sur la fonction publique
9(2) L'ombudsman n'est pas soumis à la Loi sur la fonction publique à l'exception de l'article 44 de cette loi. Par contre, il a droit aux privilèges et aux avantages sociaux, y compris les jours fériés, les vacances, les congés de maladie et les indemnités de licenciement, qui sont applicables aux employés de la fonction publique non régis par une convention collective.

Employés de l'ombudsman
9(3) La Loi sur la fonction publique s'applique aux employés de l'ombudsman.

Serment professionnel
10 Avant d'entrer en fonction l'ombudsman doit prêter serment devant l'orateur ou le greffier de l'Assemblée. Il s'engage par ce serment à remplir de bonne foi et en toute impartialité les devoirs de sa charge et à ne pas divulguer les renseignements auxquels il a accès dans le cadre de la présente loi sauf dans les cas qu'elle prévoit.

Assermentation du personnel
11 Les employés de l'ombudsman doivent, avant d'entrer en fonction, prêter serment devant l'ombudsman. Ils s'engagent par ce serment à ne divulguer aucun des renseignements auxquels ils ont accès dans le cadre de la présente loi sauf dans les cas qu'elle prévoit.

Confidentialité
12(1) L'ombudsman et ses employés doivent respecter la nature confidentielle de tout renseignement porté à leur connaissance dans l'exercice des pouvoirs et fonctions que leur assigne la présente loi.

Divulgation dans les rapports
12(2) Malgré le paragraphe (1) et malgré les serments prêtés en vertu de la présente loi, l'ombudsman peut révéler dans un rapport établi en vertu de la présente loi les faits qu'il considère nécessaire de révéler pour fonder ses conclusions et recommandations.

Powers under Part V of The Evidence Act
13 The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 85 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 86 of The Manitoba Evidence Act.

Delegation
14(1) The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Evidence of delegation
14(2) A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

Investigations
15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

Ombudsman services to City of Winnipeg
15.1(1) Notwithstanding subsection 3(2) of this Act and subsection 66(5) of The City of Winnipeg Act, where an agreement with the City of Winnipeg is entered into under subsection (2), the Ombudsman shall provide the services of an ombudsman to the City of Winnipeg in accordance with that agreement.

S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Minister may enter into agreement
15.1(2) The Lieutenant Governor in Council may authorize a minister to enter into an agreement with the City of Winnipeg relating to the provision of ombudsman services to the City of Winnipeg by the Ombudsman.

S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Pouvoirs et protection
13 L'ombudsman jouit de la protection et des pouvoirs accordés à un commissaire nommé en vertu de la partie V de la Loi sur la preuve au Manitoba. Toutefois, l'article 85 de cette loi ne n'applique pas à l'ombudsman. Les avis relatifs à la convocation, à l'objet et à la portée des enquêtes de l'ombudsman ainsi que les avis relatifs aux moments et lieux des audiences et des enquêtes de l'ombudsman n'ont pas à être publiés comme l'exige l'article 86 de la Loi sur la preuve au Manitoba.

Délégation de pouvoir
14(1) L'ombudsman peut par écrit déléguer les pouvoirs que lui confère la présente loi à l'exception du pouvoir de délégation que lui confère le présent article et du pouvoir de faire rapport en application de la présente loi.

Preuve de la délégation de pouvoir
14(2) La personne investie d'un pouvoir délégué de l'ombudsman en vertu du paragraphe (1) doit, lorsqu'on le lui demande, faire la preuve de sa délégation.

Enquêtes
15 L'ombudsman peut, sur plainte écrite ou de sa propre initiative, faire enquête lorsqu'une personne subit un préjudice ou risque de subir un préjudice du fait d'une décision, d'une recommandation, y compris la recommandation faite à un ministre, ou d'un acte relatifs à l'administration gouvernementale, commis ou omis par un ministère ou un organisme gouvernemental, ou par un de leurs cadres, membres ou employés.

Prestation de services à la Ville de Winnipeg
15.1(1) Malgré le paragraphe 3(2) de la présente loi et le paragraphe 66(5) de la Loi sur la Ville de Winnipeg, l'ombudsman offre ses services à la Ville de Winnipeg conformément à l'entente conclue, le cas échéant, en application du paragraphe (2).

L.M. 1990-91, c. 10, art. 2; L.M. 1991-92, c. 41, art. 20.

Conclusion d'ententes par le ministre
15.1(2) Le lieutenant-gouverneur en conseil peut autoriser un ministre à conclure, avec la Ville de Winnipeg, une entente prévoyant la prestation des services de l'ombudsman à la Ville de Winnipeg.

L.M. 1990-91, c. 10, art. 2; L.M. 1991-92, c. 41, art. 20.

Payments into Consolidated Fund

15.1(3) Amounts payable by the City of Winnipeg pursuant to an agreement under subsection (2) are payable to the Province of Manitoba and shall be deposited in the Consolidated Fund.

S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Five year sunset clause

15.2(1) Subject to subsection (3), section 15.1 expires and is no longer in force and effect on the fifth anniversary date of the coming into force of the section.

S.M. 1990-91, c. 10, s. 2.

Review by Assembly

15.2(2) Upon expiry of section 15.1, the Standing Committee of the Assembly on Privileges and Elections, or such other committee of the Assembly or other committee or person as the Assembly may specify by resolution, shall review the services provided by the Ombudsman to the City of Winnipeg under section 15.1 and shall, no later than 6 months after expiry of section 15.1, table a report, with or without recommendations, in the Assembly.

S.M. 1990-91, c. 10, s. 2.

Services continue during review

15.2(3) Notwithstanding subsection (1), an agreement under section 15.1, entered into before expiry of the section, shall, at the election of either party, remain in force and effect until such time as the Legislature otherwise provides.

S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Reference by committees of assembly

16(1) A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

(a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and

(b) make such report to the committee as he thinks fit.

Paiements au Trésor

15.1(3) Les sommes exigibles de la Ville de Winnipeg au titre d'une entente conclue en application du paragraphe (2) sont versées à la province du Manitoba et déposées dans le Trésor.

L.M. 1990-91, c. 10, art. 2; L.M. 1991-92, c. 41, art. 20.

Disposition de temporarisation

15.2(1) Sous réserve du paragraphe (3), l'article 15.1 cesse d'avoir effet le cinquième jour anniversaire de son entrée en vigueur.

L.M. 1990-91, c. 10, art. 2.

Examen par l'Assemblée

15.2(2) À la cessation d'effet de l'article 15.1, le Comité permanent des privilèges et élections ou tout autre comité de l'Assemblée ou encore le comité ou la personne que l'Assemblée indique par résolution se penche sur les services fournis par l'ombudsman à la Ville de Winnipeg en application de l'article 15.1 et, au plus tard six mois après la cessation d'effet de cet article, dépose un rapport, accompagné ou non de recommandations, à l'Assemblée.

L.M. 1990-91, c. 10, art. 2.

Maintien des services

15.2(3) Malgré le paragraphe (1), l'entente visée à l'article 15.1 demeure, au choix de l'une ou l'autre des parties, en vigueur jusqu'à décision contraire de la Législature, si elle est conclue avant la cessation d'effet de cet article.

L.M. 1990-91, c. 10, art. 2.

Renvoi par les comités de l'Assemblée

16(1) Un comité de l'Assemblée peut à tout moment saisir l'ombudsman d'une question qu'il examine et au sujet de laquelle il demande à l'ombudsman de faire enquête et de lui faire rapport. L'ombudsman doit alors :

a) faire enquête, sous réserve de toute directive spéciale du comité, sur la question qui lui est soumise pour autant qu'elle relève de sa compétence;

b) adresser au comité le rapport qui lui semble approprié.

Reference by Lieutenant Governor in Council
16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and

(b) make such report to the Lieutenant Governor in Council as he thinks fit.

Exercise of powers
17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

(a) that any decision, recommendation, act or omission that he is investigating is final; or

(b) that no appeal lies in respect thereof; or

(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Restriction on jurisdiction
18 Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or

Renvoi par le lieutenant-gouverneur en conseil
16(2) Le lieutenant-gouverneur en conseil peut en tout temps saisir l'ombudsman de toute question relative à l'administration gouvernementale, qu'il s'agisse d'un ministère ou d'un organisme gouvernemental, d'un de leurs cadres, employés ou membres et peut lui demander de faire enquête et de lui faire rapport. L'ombudsman doit alors :

a) faire enquête, sous réserve de toute directive spéciale du lieutenant-gouverneur en conseil, sur la question qui lui est soumise pour autant qu'elle relève de sa compétence;

b) adresser au lieutenant-gouverneur en conseil le rapport qui lui semble approprié.

Exercice des pouvoirs
17 L'ombudsman peut exercer les pouvoirs et fonctions que lui confère ou que lui impose la présente loi malgré toute disposition d'une autre loi provinciale qui prévoit que :

a) toute décision, recommandation, action ou omission concernée est définitive;

b) il ne peut y avoir appel dans le cas concerné;

c) il ne peut y avoir opposition, révision, annulation ou remise en question d'une procédure ou d'une décision du ministère, de l'organisme gouvernemental, du cadre, de l'employé ou de la personne dont la décision, la recommandation, l'action ou l'omission est en cause.

Domaine de compétence
18 La présente loi n'autorise pas l'ombudsman à faire enquête sur l'un ou l'autre des actes suivants :

a) les décisions, recommandations, actes, ordres ou omissions de la Législature, de l'Assemblée, du lieutenant-gouverneur, d'un comité de l'Assemblée, du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un comité du Conseil exécutif;

(b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or

(c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applies; or

b) les ordonnances, décisions ou omissions d'un tribubal, d'un juge d'un tribunal, d'un juge des renvois, d'un conseiller maître du tribunal, d'un magistrat ou d'un juge de paix, lors d'une action ou d'une procédure devant le tribunal ou devant le juge, le juge des renvois, le conseiller maître, le magistrat ou le juge de paix;

c) les sentences arbitrales, décisions, recommandations ou omissions d'un arbitre ou d'un conseil arbitral lors d'un arbitrage soumis à la Loi sur l'arbitrage;

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(d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

d) les décisions, recommandations, actions ou omissions qui, en vertu d'une disposition législative, sont assorties d'un droit d'appel, d'opposition ou du droit d'exiger une révision au mérite devant un tribunal établi en vertu d'une loi de la Législature, peu importe que ce droit d'appel, d'opposition ou de demande de révision ait été exercé en l'espèce ou qu'il soit prescrit; toutefois, l'ombudsman peut faire enquête s'il estime en l'espèce qu'il n'aurait pas été raisonnable de s'attendre que le plaignant recoure aux tribunaux, auquel cas il ne peut commencer son enquête qu'après l'expiration du délai d'appel, d'opposition ou de demande de révision.

Restriction on investigation by minister.
19(1) Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

Pouvoir du ministre de limiter les enquêtes
19(1) Lorsque le procureur général atteste par écrit à l'ombudsman qu'une enquête pourrait, dans les circonstances, nuire à l'intérêt public, l'ombudsman doit renoncer à enquêter ou, s'il a commencé de le faire, doit cesser.

Report of certificate.
19(2) Where a certificate is given under subsection (1), the Ombudsman shall include that fact and a brief description of the circumstances of the matter in his next annual report to the Assembly.

Publicité de l'attestation
19(2) Lorsque le procureur général fait une attestation en vertu du paragraphe (1), l'ombudsman doit mentionner le fait et décrire brièvement les circonstances de l'espèce dans le premier rapport annuel qu'il adresse par la suite à l'Assemblée.

Questions relating to jurisdiction.
20 Where a question arises as to the jurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

Détermination de la compétence
20 Lorsqu'il y a doute sur la compétence qu'a l'ombudsman de faire enquête sur une affaire ou dans une catégorie d'affaires en vertu de la présente loi, il peut demander à la Cour du Banc de la Reine une ordonnance déclaratoire à cet égard.

Complaints in writing.
21 Every complaint to the Ombudsman shall be made in writing.

Caractère écrit des plaintes
21 Les plaintes doivent être adressées par écrit à l'ombudsman.

Privacy of communication to Ombudsman.
22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the

Caractère confidentiel de la correspondance
22 Malgré toute disposition législative, la correspondance écrite adressée à l'ombudsman par une personne incarcérée, qu'elle ait été ou non déjà condamnée, par le patient d'un hôpital, d'un hôpital psychiatrique, d'un foyer ou d'une institution géré par le gouvernement ou selon ses directives, ou encore la correspondance écrite

Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

Refusal to investigate.
23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if

(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or

(b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or

(c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or

(d) in his opinion the circumstances of the case do not require investigation.

Limitation on review of discretionary powers.
23(2) Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

Report of refusal to investigate.
24 Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

Notice of investigation.
25 Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

adressée à l'ombudsman par une personne sous la garde d'une autre personne pour toute autre raison doit être acheminée immédiatement à son destinataire, sans être ouverte, par la personne responsable de l'établissement où l'expéditeur de la lettre est détenu ou dans lequel il est interné, ou enfin par la personne qui a la garde de l'expéditeur.

Refus d'enquêter
23(1) L'ombudsman peut, à sa discrétion, refuser d'enquêter ou mettre fin à une enquête relative à une plainte dans les cas suivants :

a) la plainte a trait à une décision, une recommandation, un acte ou une omission dont le plaignant a pris connaissance plus d'un an avant que la plainte ait été reçue par l'ombudsman;

b) l'ombudsman est d'avis que la plainte est frivole, vexatoire, qu'elle n'a pas été faite de bonne foi, ou encore que son objet n'est pas sérieux;

c) l'ombudsman est d'avis que malgré le préjudice causé à la personne, l'intérêt public commande que l'enquête n'ait pas lieu ou encore qu'elle cesse;

d) l'ombudsman est d'avis que les circonstances de l'affaire qui lui est soumise font que l'enquête n'est pas nécessaire.

Limite du pouvoir d'enquêter sur l'exercice du pouvoir discrétionnaire
23(2) Lorsqu'au cours ou au terme d'une enquête sur une décision, sur un acte ou sur une omission d'un ministère, d'un organisme gouvernemental ou d'un de leurs cadres ou employés, survenus dans l'exercice d'un pouvoir discrétionnaire conféré à ces entités ou personnes, l'ombudsman doit renoncer à l'enquête s'il est convaincu que la décision, l'acte ou l'omission n'est pas manifestement erroné ou déraisonnable. Il doit faire part au plaignant de sa décision.

Communication du refus d'enquêter
24 Lorsque l'ombudsman décide de ne pas enquêter ou d'interrompre une enquête sur une plainte, il doit faire part de sa décision au plaignant et à toute personne concernée par l'affaire.

Avis d'enquête
25 Avant de faire enquête pour donner suite à une plainte, l'ombudsman doit faire part de son intention d'enquêter au sous-ministre ou au responsable administratif du ministère ou de l'organisme gouvernemental concerné.

Private investigations.
26 Every investigation by the Ombudsman under this Act shall be conducted in private.

Hearings.
27 The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

Right to be heard.
28 The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

Consultation with minister.
29(1) The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

Reference to deputy minister.
29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

Evidence.
30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and

(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

Huis clos
26 Les enquêtes effectuées par l'ombudsman en vertu de la présente loi sont tenues à huis clos.

Audiences
27 L'ombudsman peut, selon ce qu'il estime opportun, tenir des audiences, recevoir ou obtenir des renseignements de toute personne et faire enquête.

Droit d'être entendu
28 L'ombudsman n'est pas obligé de tenir des audiences et personne ne peut exiger d'être reçu en audience par l'ombudsman. Toutefois, si l'ombudsman estime qu'il dispose d'assez d'éléments pour faire un rapport ou une recommandation sur une question qui pourrait nuire à un ministère, à un organisme gouvernemental ou à une personne, il doit donner à ces derniers l'occasion de lui faire des représentations sur l'affaire concernée. Le ministère, l'organisme gouvernemental ou la personne peut alors faire ses représentations par l'intermédiaire d'un avocat.

Consultation du ministre
29(1) L'ombudsman peut, pendant ou après l'enquête, consulter un ministre concerné par l'objet de l'enquête.

Transmission au sous-ministre
29(2) Lorsque pendant ou après une enquête l'ombudsman estime qu'il a la preuve d'un manquement au devoir ou d'une mauvaise conduite d'un ministère, d'un organisme gouvernemental ou encore d'un de leurs cadres ou employés, il doit porter l'affaire à la connaissance du sous-ministre ou du responsable administratif du ministère ou de l'organisme gouvernemental.

Communication de la preuve
30(1) Sous réserve de l'article 31, l'ombudsman peut exiger de toute personne qui, à son avis, est en mesure de fournir un renseignement relatif à une affaire sous enquête :

a) qu'elle lui fournisse le renseignement;

b) qu'elle produise les documents qui, de l'avis de l'ombudsman, sont pertinents à l'objet de l'enquête et qui peuvent se trouver en possession ou sous la maîtrise de cette personne.

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.
30(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;

(b) any complainant; and

(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

Restrictions on disclosures.
31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the Assembly.

Application of certain rules.
32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

L'ombudsman peut utiliser ce pouvoir à l'égard de toute personne, qu'elle soit ou non cadre, employée ou membre de l'organisme gouvernemental ou du ministère et que le document soit ou non en la possession ou sous la maîtrise d'un ministère ou d'un organisme gouvernemental.

Interrogatoire sous serment
30(2) L'ombudsman peut assigner à comparaître et interroger sous serment les personnes suivantes :

a) le cadre, employé ou membre d'un organisme gouvernemental ou d'un ministère qu'il estime en mesure de donner un renseignement pertinent à l'affaire sous enquête;

b) le plaignant;

c) toute autre personne qu'il estime en mesure de donner un renseignement relatif à l'affaire sous enquête.

Restrictions à la communication de renseignements
31 L'ombudsman ne peut exiger d'obtenir des renseignements, des réponses ou des documents lorsque le procureur général certifie que le fait de les fournir pourrait entraîner la divulgation :

a) des délibérations du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un de ses comités;

b) des travaux du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un de ses comités;

c) de questions de nature secrète, confidentielle ou dont la divulgation pourrait porter atteinte à l'intérêt public.

Toutefois, il doit faire mention du certificat et de l'affaire à laquelle il se rapporte dans le premier rapport qu'il adresse par la suite à l'Assemblée.

Application de certaines règles
32(1) Sous réserve de l'article 31, une règle de droit autorisant ou exigeant qu'on retienne un document ou qu'on refuse de répondre à une question au motif que la divulgation des renseignements concernés porterait préjudice à l'intérêt public, ne s'applique pas aux procédures se déroulant devant l'ombudsman ni aux enquêtes qu'il effectue.

Provisions relating to secrecy.

32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Admissibility of evidence.

33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

Defence for certain offences.

34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

Right of entry.

35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

Notice of entry.

35(2) Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

Dispositions relatives au secret

32(2) Sous réserve de l'article 31, les dispositions des lois de la Législature qui exigent le maintien du secret ou la rétention de renseignements ne s'appliquent pas aux enquêtes effectuées par l'ombudsman. Aucune personne ne peut invoquer ces dispositions pour refuser de fournir à l'ombudsman les renseignements ou les documents que celui-ci exige, ou encore pour refuser de répondre ou de fournir des éléments de preuve lorsqu'elle est assignée à témoigner par l'ombudsman.

Inadmissibilité de la preuve

33 Sauf dans les procès pour parjure, les déclarations, les réponses ou la preuve fournies par une personne au cours d'une enquête effectuée par l'ombudsman ou au cours d'une procédure devant ce dernier sont inadmissibles en preuve devant un tribunal ou au cours d'une enquête ou de toute autre procédure, et la preuve relative aux procédures devant l'ombudsman ne peut servir contre quiconque.

Défense pour certaines infractions

34 Nul n'est coupable d'une infraction à une autre loi de la Législature du fait d'avoir obtempéré à une demande de communication de renseignements ou de production de documents faite par l'ombudsman ou du fait d'avoir répondu à une question au cours d'une enquête de l'ombudsman.

Droit d'accès

35(1) Aux fins de la présente loi, l'ombudsman peut à tout moment accéder aux lieux qu'occupe un ministère ou un organisme gouvernemental pour y mener, sous réserve de l'artice 31, une enquête relevant de sa compétence.

Avis de visite

35(2) En accédant aux lieux visés au paragraphe (1), l'ombudsman doit aviser de sa visite le sous-ministre ou le responsable administratif du ministère ou de l'organisme gouvernemental qui occupe ces lieux.

Report on investigation.

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

(a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been

(i) contrary to law, or

(ii) unreasonable, or

(iii) unjust, or

(iv) oppressive, or

(v) improperly discriminatory, or

(vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or

(vii) based wholly or partly on a mistake of law or fact, or

(viii) wrong; or

(b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised

(i) for an improper purpose, or

(ii) on irrelevant grounds, or

(iii) on the taking into account of irrelevant considerations; or

(c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

Nature of recommendations.

36(2) Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

(a) that a matter should be referred to the appropriate authority for further consideration; or

(b) that an omission should be rectified; or

(c) that a decision should be cancelled or varied; or

Rapport d'enquête

36(1) Au terme d'une enquête menée en vertu de la présente loi, l'ombudsman doit faire rapport de ses conclusions et de ses motifs au ministre et au ministère ou organisme gouvernemental concerné et peut faire les recommandations qu'il juge appropriées, si au cours de son enquête il constate l'un ou l'autre des faits suivants :

a) la décision, la recommandation, l'acte ou l'omission qui fait l'objet de l'enquête semble, selon le cas :

(i) être contraire à la loi,

(ii) être déraisonnable,

(iii) être injuste,

(iv) être de nature oppressive,

(v) être indûment discriminatoire,

(vi) résulter d'un usage ou d'un procédé qui est ou pourrait être déraisonnable, injuste, de nature oppressive ou indûment discriminatoire,

(vii) être fondé en tout ou partie sur une erreur de droit ou de fait,

(viii) être erroné;

b) lors de la prise de décision, de la formulation d'une recommandation ou lors de l'accomplissement ou de l'omission d'un acte, un pouvoir ou un droit a été exercé dans l'une ou l'autre des circonstances suivantes :

(i) le but poursuivi était inapproprié,

(ii) l'exercice du pouvoir ou du droit n'avait pas de fondement pertinent,

(iii) l'exercice du pouvoir ou du droit s'est fait compte tenu de considérations non pertinentes;

c) la décision, la recommandation, l'acte ou l'omission qui fait objet de l'enquête aurait dû être motivé.

Nature des recommandations

36(2) Sans préjudice de la généralité du paragraphe (1), dans le rapport prévu au même paragraphe, l'ombudsman peut faire des recommandations ayant les objets suivants :

a) une question devrait être transmise à l'autorité compétente pour qu'elle effectue un examen plus approfondi de cette question;

b) une omission devrait être réparée;

c) une décision devrait être annulée ou modifiée;

(d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
(f) that reasons should be given for any decision, recommendation, act or omission; or
(g) that any other steps should be taken.

Notice of proposed steps.
37(1) Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

Further report on recommendations.
37(2) If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the Assembly.

Comments included in report.
37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

Report to complainant.
38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

d) l'usage qui aboutit à une décision, une recommandation, un acte ou une omission devrait être modifié ou réformé;
e) une loi sur laquelle se fonde une décision, une recommandation, un acte ou une omission devrait être réexaminée;
f) une décision, une recommandation, un acte ou une omission devrait être motivé;
g) toute autre mesure devrait être prise.

Rapport relatif aux mesures prises
37(1) Lorsqu'il a fait une recommandation en vertu de l'article 36, l'ombudsman peut exiger du ministère ou de l'organisme gouvernemental concerné qu'il lui fasse rapport dans un délai donné des mesures qu'il a prises ou qu'il se propose de prendre pour donner suite à la recommandation.

Rapport à une instance supérieure
37(2) Si dans un délai raisonnable après la demande formulée en vertu du paragraphe (1) par l'ombudsman, ce dernier estime qu'aucune mesure adéquate n'a été prise, il peut, à sa discrétion et après avoir pris en considération les éventuels commentaires présentés en leur nom par le ministère ou l'organisme gouvernemental concerné, faire rapport de l'affaire au lieutenant-gouverneur en conseil en lui adressant également une copie du rapport contenant les recommandations. L'ombudsman peut en outre faire mention de ce rapport dans le premier rapport annuel qu'il présente par la suite à l'Assemblée.

Commentaires apparaissant au rapport
37(3) Le rapport établi en vertu du paragraphe (2) doit contenir les commentaires faits par le ministère ou l'organisme gouvernemental, ou faits en leur nom sur l'opinion ou les recommandations de l'ombudsman.

Rapport au plaignant
38 Lorsque l'ombudsman fait enquête à partir d'une plainte qui lui a été adressée, il doit faire rapport au plaignant des résultats de l'enquête, de la manière et dans les délais qu'il juge appropriés.

Review of Ombudsman's decision.
39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

Proceedings against Ombudsman prohibited.
40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

Ombudsman not to be called as witness.
41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

Annual report to Legislature.
42 The Ombudsman shall report annually to the Assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

Publication of reports.
43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the Assembly under this Act.

Rules.
44(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

Procedure of Ombudsman.
44(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

Appel des décisions de l'ombudsman
39 Aucune procédure de l'ombudsman n'est nulle pour vice de forme et, sauf dans les cas d'absence de compétence, les procédures ou décisions de l'ombudsman ne peuvent être contestées, révisées, annulées ou remises en question devant un tribunal.

Immunité de l'ombudsman
40 Ni l'ombudsman ni ses employés ne peuvent être poursuivis en raison des actes accomplis, rapports établis ou paroles prononcées dans l'exercice effectif ou censé tel des fonctions qui leur sont conférées en vertu de la présente loi, à moins qu'on ne prouve qu'ils ont agi de mauvaise foi.

Contraignabilité de l'ombudsman
41 Ni l'ombudsman ni ses employés ne peuvent être appelés à témoigner devant un tribunal ou lors d'une procédure de nature judiciaire relativement à des faits portés à leur connaissance dans le cadre de l'exercice des fonctions qui leur sont conférées en vertu de la présente loi.

Rapport annuel à la Législature
42 L'ombudsman doit faire rapport chaque année à l'Assemblée, par l'intermédiaire de l'orateur, de l'exercice des fonctions qui lui sont conférées en vertu de la présente loi.

Publication des rapports
43 Lorsqu'il s'agit de l'intérêt public ou de l'intérêt d'une personne, d'un ministère ou d'un organisme gouvernemental, l'ombudsman peut publier des rapports concernant, en général, l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou relatifs à un cas particulier sur lequel il a fait enquête, que les affaires en question aient été ou non mentionnées dans le rapport fait à l'Assemblée en vertu de la présente loi.

Règles
44(1) L'Assemblée peut établir des règles générales de nature à guider l'ombudsman dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi.

Procédure devant l'ombudsman
44(2) Sous réserve des autres dispositions de la présente loi et des règles établies en vertu du paragraphe (1), l'ombudsman peut établir les procédures relatives à l'exercice de ses fonctions.

Offence and penalty.

45 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than $500. or to imprisonment for a term not exceeding three months, or to both.

Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Infractions et peines

45 Commet une infraction et se rend passible, sur déclaration sommaire de culpabilité, d'une amende maximale de 500 $ et d'un emprisonnement maximal de trois mois, ou de l'une de ces peines, quiconque :

a) volontairement et sans justification ni excuse légitime gêne, oppose une résistance ou fait obstruction à l'exercice des fonctions que la présente loi confère à l'ombudsman ou à toute autre personne;

b) sans justification ni excuse légitime refuse ou omet volontairement d'obéir à une exigence licite de l'ombudsman ou d'une autre personne dans le cadre de la présente loi;

c) fait volontairement de fausses déclarations pour induire en erreur ou tenter d'induire en erreur l'ombudsman ou toute autre personne dans l'exercice des fonctions que la présente loi lui confère.

Recours supplémentaires

46 Les dispositions de la présente loi complètent les dispositions de toute autre loi ou règle de droit qui prévoit un recours, un droit d'appel ou d'objection ou encore une procédure de recherche ou d'enquête sur quelque sujet que ce soit. La présente loi n'a pas pour effet de limiter ou de porter atteinte à ces recours, droits d'appel ou d'objection et autres procédures.

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